



2008

APPEALS

Edited by David Stevenson

ENGLISH BRIDGE UNION

2008

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All the appeals from the EBU's major weekend events have been included herein. It is hoped that they will provide interest and an insight into the way that people in England are ruling the game.

After the success of the earlier editions it was decided to repeat this publication, which has been put on the EBU website in the L&EC section. The feedback from this will be used to decide whether to repeat this in future years. So, whether you liked this publication or not, if you can see how you would improve it, if you would like to purchase a paper copy, or if you have any other comments, please tell the L&EC Secretary, John Pain. If you wish to comment on the actual appeals, the layout, the editing or the Commentary please tell the Editor, David Stevenson. The way to contact the L&EC Secretary or the Editor is detailed on the next page.

Comments have been made on the appeals by an international group of people who have donated their time, for which we thank them. Also thanks are due to Peter Eidt of Germany and Jeffrey Allerton of England for doing the proof-reading.

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Contacts

John Pain
Secretary Laws and Ethics Committee
English Bridge Union
Broadfields
Bicester Road
AYLESBURY
Bucks HP19 8AZ
England UK

Tel:	01296 317218	From outside UK replace 0 with +44
Fax:	01296 317220	
Email:	john@ebu.co.uk	
EBU web site:	http://www.ebu.co.uk	
L&EC page:	http://www.ebu.co.uk/lawsandethics/	

David Stevenson
Editor Appeals booklet
63 Slingsby Drive
WIRRAL CH49 0TY
England UK

Tel:	0151 677 7412	From outside UK replace 0 with +44
Fax:	0870 055 7697	
Mobile:	07778 409955	
Email:	mcba@blakjak.org	From UK
Email:	bridg@blakjak.org	From elsewhere
Lawspage:	http://blakjak.org/lws_menu.htm	
Bridgepage:	http://blakjak.org/brg_menu.htm	
Rulings forum:	http://blakjak.org/iblf.htm	
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Commentators

There are comments on each Appeal by various commentators. Their comments herein reflect their personal views.

David Stevenson (b. 1947), the Editor, is an International Tournament Director from Liverpool, England. He has served as a member of the Tournament Appeals Committee of the World Bridge Federation, and on Appeals Committees in the ACBL, Scotland, Ireland, South Africa 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 hosts forums for Bridge Rulings and Appeals Committees.

Barry Rigal (b. 1958) lives in Manhattan with his wife Sue Picus. He was chairman of National Appeals for the ACBL for three years and is a full time bridge player, writer and commentator. His tournament record includes most of the major UK National titles and two US National titles.

Bob Schwartz (b. 1945) is a computer consultant. Member of the ACBL Board of Governors, ACBL National Appeals Committee and the ACBL Competition and Conventions Committee. Married (over 30 years) with 3 children. Likes golf and poker – tolerates bridge.

Eric Landau is an American. He was a successful tournament player in the ACBL and Canada in the 1970s and 1980s, but has been semi-retired from competition since the late 80s and currently plays only once in a while. He is the author of the book "Every Hand An Adventure", and his writings have also appeared in The Bridge World, the Bulletin of the ACBL and various lesser-known publications. He directs at the club and local levels occasionally, and managed a bridge club for several years.

Frances Hinden and **Jeffrey Allerton** are tournament players from Surrey, England. Recent successes include winning the 4* teams at Brighton, while Jeffrey is a past European and World junior champion. They both used to direct club and county competitions, and are members of the EBU panel of referees.

Heather Dhondy (b. 1966) is a part-time accountant and part-time bridge professional living in North London with husband Jeremy Dhondy (chairman of the EBU Laws and Ethics Committee). She has been a national appeals chairman for a number of years and is on the EBU panel of referees as well as being a member of the EBU Selection Committee. She is also a regular member of the English ladies team.

Jens Brix Christiansen (b. 1951) lives in Copenhagen, Denmark. He was trained as an international TD in the 1990s and has been chairman of the National Appeals Committee and Laws Commission for the Danish Bridge Federation since 1998. He headed the effort to translate 2007 edition of the Laws into Danish.

Paul Lamford is a Grandmaster and winner of a few national events. He is author of Starting Out in Bridge and 50 Bridge Puzzles and a regular contributor to the International Bridge Laws Forum and the Bridge Laws Mailing List. He is a former Executive Editor of Bridge magazine and Macmillan bridge books.

Nakatani Tadayoshi (b.1945) of Yokohama served the Japan Contract Bridge League over 30 years as an administrator as well as Chief Tournament Director. He organized various international bridge events held in Japan including the NEC Cup, 1998 PABF (Zone 6) Championships in Kobe. He also served PABF as Secretary for some 20 years. Undoubtedly his major contributions to the Japanese bridge community were the Japanese versions of 1987, 1997 and 2007 Laws of Duplicate Contract Bridge, along with the Japanese version of “Commentary” on 1987 Laws by Endicott and Hansen.

As a bridge player, he won a dozen Japanese national titles and represented Japan in PABF and WBF Championships.

Richard Hills (former chess champion and Aussie bridge expert) is primus inter pares of the Bridge Laws Mailing List (blml). Note that the new website for blml is:

<http://www.rtlb.org/>

Richard's successes include:

Co-Chair of the DIAC Social Club's Film Festival sub-committee,

Co-author of the 2007 Lawbook's Index, and

Co-llege Spaghetti Eating Champion.

Robin Barker (b. 1961) is a research computer scientist at the National Physical Laboratory, near London, and is a TD for the EBU and the European Bridge League. After studying mathematics at Cambridge, he spent a few years in the professional theatre, before getting a proper job. He now lives with his family in Exeter.

Tim Rees has been playing bridge since school, and has won most of the English and Welsh national titles at some stage. The 2008 Schapiro Spring Foursomes completed his set of major titles, the Gold Cup and Crockfords being the others. He has represented Wales at every European, Olympiad and Commonwealth Games since devolution from Great Britain in 2000, with his greatest success being a silver medal at the 2002 Commonwealth Games. Tim works at the Transport Research Laboratory, analysing (and hopefully solving) motorway congestion.

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Abbreviations

There are some abbreviations, and they are listed here:

EBU	English Bridge Union
WBU	Welsh Bridge Union
ACBL	American Contract Bridge League
L&E	Laws & Ethics Committee
L&EC	Laws & Ethics Committee
WB	EBU White Book, containing regulations for TDs and ACs
OB	EBU Orange Book, containing regulations for players
WBF	World Bridge Federation
TD	Tournament Director
Director	Tournament Director
AC	Appeals Committee
Committee	Appeals Committee
LA	Logical alternative
AI	Authorised information
MI	Misinformation
UI	Unauthorised information
BIT	Break in Tempo [a hesitation, or over-fast call]
PP	Procedural penalty [a fine]
NOs	Non-offenders
N/S	North-South
E/W	East-West
(A)	Alerted
(H)	Hesitation [agreed]
(1), (2) etc	References to notes below
P	Pass
♠♥♦♣	Spades hearts diamonds clubs
Dbl	Double
Redbl	Redouble
NT	No-trumps
5-CM	Five card majors
Benji	Benjamin: a popular name for a form of Acol where 2♣/♦ openings are strong and artificial, 2♥/♠ openings are weak

ENGLISH BRIDGE UNION

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General

From the 1st August 2006 a new Orange Book applied in England, updated each year. You can download a copy from the L&EC website – see Contacts. There were major changes to the alerting rules. The most important changes were: first the introduction of “Announcements” for the ranges of 1NT openings, for Stayman and simple Transfer responses, and for natural Two level openings; and second that alerting above 3NT was usually stopped.

From the 1st August 2000 Tournament Directors are permitted to give “weighted” scores when assigning, for example if they adjust a score because of misinformation they might give a score of 50% of 6♠ making and 50% of 4♠ +2. Previously only Appeals Committees were permitted to do this. The World Bridge Federation hopes that this will reduce the number of Appeals. From 1st August 2008 weighted scores have become the normal form of adjusted score here and in most of the rest of the world.

The format used to show such results is based on the “Maastricht protocol” whereby higher N/S scores are shown first. It helps scorers and TDs if a consistent style is used. Example:

Score assigned for both sides (Law 12C1C):

10% 6♣ –1 by West, NS +100
+60% 6♠ doubled –3 by N/S, NS –800
+30% 6♣ making by West, NS –1370

Unlike most other publications of this sort around the world, we have named the Tournament Director in each case. He or she is the man or woman who attended the table, took the evidence, told the players the ruling, and presented the case to the Committee. But the ruling will only be given after he or she has consulted with at least one other Director and probably at least one experienced player. Thus he or she is not solely responsible for the ruling – on rare occasions he or she may not agree with it himself or herself.

The 2007 Laws came into use in England on 1st August 2008. Appeals 1 to 14 were held under the 1997 Laws. The remaining ones were held under the new Law book.

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APPEAL No 1: Did he or didn't he?

08.002 Swiss Teams Congress

Tournament Director:

John Pyner

Appeals Committee:

Jeremy Dhondy (Chairman), David Burn, Richard Bowdery

IMPs to VPs Board no 13 Dealer N Both vulnerable	♠ Q 9 ♥ A 7 ♦ A 8 7 6 3 ♣ A K 7 3	
♠ K J 10 8 4 2 ♥ J 3 ♦ Q 2 ♣ Q 6 4	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ 7 6 3 ♥ Q 10 9 8 5 2 ♦ 10 5 ♣ 9 8
	♠ A 5 ♥ K 6 4 ♦ K J 9 4 ♣ J 10 5 2	

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
	1♦	Pass	2♣
Pass	3♥	Pass	3♠(A)
Dbl	5♣	Pass	6♦
All pass			

Play	Lead	W	N	E	S
Tr1	E	♠8	♠9	♠6	♠A
Tr2	S	♣4	♣3	♣9	♣J
Tr3	S	♦2	♦A	♦5	♦4
Tr4	N	♦Q	♦3	♦10	♦J

Result at table:

6♦ - 1 by North. Lead ♠6

Director first called:

After trick 4

Director's statement of facts:

North stated that East had hesitated before playing ♦10, an allegation strongly denied by East, who said he had played in his normal tempo, which he attempted to demonstrate. North said East's alleged hesitation had deflected him from his intended line. He always plays for the drop with a combined holding of 9 cards unless there is reason to do otherwise. Later the TD observed East's tempo from a distance and would describe it as measured and steady.

Director's ruling:

Table result stands

Details of ruling:

An observation of East's tempo leads the TD to conclude that no hesitation has occurred and that in any case, whatever rate the ♦10 is played declarer draws any conclusions at his own risk.

Appeal lodged by:

North-South

Basis of appeal:

East's alleged hesitation

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

The TD found by observation that East played consistently and steadily and that there was not a hesitation. Nothing we heard persuaded us otherwise. In any event we considered that even if a hesitation had occurred it was not reasonable to draw the conclusion that it was from Q 10 x.

We thought this appeal was quite close to a retention of the deposit.

Keep the deposit:

Bob Schwartz's comments:

The AC thought this appeal was quite close to a retention of the deposit. I disagree. It was nowhere near close—KEEP THE MONEY.

Frances Hinden's comments:

"Quite close"? It's obvious to keep the money.

Barry Rigal's comments:

Awful, awful director call (correct would be to use a recorder form if the EBU has such things). Correct TD ruling and the Appeals Committee should have withheld the deposit. Why does the tempo of the diamond 10 (known not to be a singleton) affect declarer's play, with the diamond jack visible in dummy? Truly fatuous attempt to get something for nothing, and North should have been made aware of this in the only way he would understand.

(Incidentally East's tempo on other deals is supremely irrelevant and I question the competence of anyone who would think differently.)

David Stevenson's comments:

Players holding QTx do not hesitate as to whether to play the queen. If East really hesitated then he is less likely to hold the queen. The appeal was frivolous and the deposit should have been kept.

Heather Dhondy's comments:

I would not return the deposit. Whether there was a break of tempo or not, it doesn't indicate that East has the queen. It's not as if he would ever be thinking of playing it in this situation.

Nakatani Tadayoshi's comments:

A good decision by TD and AC. The write-ups by TD and AC are convincing: my only suggestion is probably the deposit should have been kept.

Paul Lamford's comments:

I would go a little further than the AC and believe the deposit should have been retained. Who in their right mind would consider playing the queen from Q10x?

Tim Rees' comments:

The TD ruled "no hesitation". It is very rare that an AC will overturn that decision, as they are unlikely to have any new evidence. If players were informed of this, they would be less likely to appeal.

Here, there is an additional consideration regarding the appeal. Even if East hesitated, it is unreasonable for declarer to think that this might be from QTx. No-one would consider playing the Q in this situation.

Therefore, I'd have retained the deposit.

A reasonable decision:

Jeffrey Allerton's comments:

With KJ9x in dummy, East would have nothing to think about whichever holding (Q105 or 105) he had been dealt. North surely knew this, so there is no reason for him to draw a false inference from the alleged hesitation. Hence there is no reason for the TD to adjust the score. As the AC "thought this appeal was quite close to a retention of the deposit" it would have been helpful if they had explained why they had eventually decided not to do so.

Richard Hills' comments:

If (I repeat if) East is the sort of person who hesitates at crucial times when an opponent might be deceived, an infraction of the 'hesitating with a singleton' Law 73D2, then East will *not* be a *consistent* hesitator. Therefore, the Director's well-intentioned attempt to gather evidence about East's tempo after North's complaint was futile. However, this hypothetical Law 73D2 scenario is most unlikely because, as the Appeals Committee observed, 'even if a hesitation had occurred it was not reasonable to draw the conclusion that it was from Q 10 x.'

On the other hand.....

If (I repeat if) North is the sort of person who makes eight-ever / nine-never 6D slams most of the time (except when queen-third or queen-fourth are offside) at his local club, because North always takes the finesse, then if the queen-doubleton is offside claims that LHO has hesitated and browbeats the local Director into giving an adjusted score, then North's local Conduct and Ethics Committee should have taken action against North long ago.

Almost certainly neither of these two dire scenarios are true, so I support the actual rulings, including the return of the deposit.

Robin Barker's comments:

OK.

If there was a hesitation then an adjustment is in order:

Eric Landau's comments:

No hesitation, no adjustment, obviously. But I'm troubled by both the director and the committee suggesting that there would have been no adjustment even if a tempo violation had been found to have occurred. Hesitating with a singleton is the classic example of an action likely to mislead an opponent (explicitly cited as such in L73D2), and must call for redress under L73F if that law is to mean anything.

Jens Brix Christiansen's comments:

At the time of the alleged hesitation, the two outstanding diamonds are the Q and the 10. If East, as alleged, had indicated by his tempo that he had a choice to make before playing the 10, he would necessarily also hold the Q. In this case, an adjustment according to Law 73F would seem to be automatic, and the references to "at his own risk" in Law 73D1 should not be applicable here. The case therefore boils down to the TD's unenviable task of establishing as a fact whether East did indeed play the 10 unusually slowly. It would be difficult for the AC to overrule the TD on this point, but an appeal of that finding certainly has merit.

Final summary by editor:

The majority view is that since a hesitation with QTx is unreasonable, the deposit should have been kept.

APPEAL No 2: It's not for takeout?

08.003 Swiss Teams Congress

Tournament Director:

Barrie Partridge

Appeals Committee:

Jeremy Dhondy (Chairman), David Burn, Richard Bowdery

IMPs to VPs Board no 9 Dealer N EW vulnerable	♠ Q 10 8 5 ♥ 2 ♦ A Q 7 3 ♣ K Q 8 7	
♠ K 9 4 ♥ J 10 9 5 ♦ 9 6 4 ♣ 10 9 2	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ J 6 ♥ A Q 7 6 ♦ K J 10 5 2 ♣ J 5
	♠ A 7 3 2 ♥ K 8 4 3 ♦ 8 ♣ A 6 4 3	

Basic systems:

North-South play Strong club, Precision style

East-West play SAYC

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
	1♦ (A1)	Pass Dbl (2)	Redbl
Pass	Pass 1NT (3)	Pass (3) Pass	Pass
Pass			

(1) Precision style with 2+ diamonds

(2) E passed before 1♦ was alerted. The players decided amongst themselves to allow a change of call by E. Double was for penalties, not alerted.

(3) See TD statement of facts.

Result at table:

1NT + 2 by North, NS +150

Director first called:

At point (3) in the auction.

Director's statement of facts:

E/W had a clear agreement that the double of 1♦ was for penalties but were unaware that it was alertable. This is an area found confusing by some players and E/W play more frequently in France. OB 5H2 states that tolerance should be applied although adjustments may be necessary when the opponents have been damaged.

First though it was possible under L21B for N to change his final call but it was not possible for S to do so. N changed his call to 1NT and, as shown, this was passed out. This made 9 tricks. I was called back and S claimed that despite N having been allowed to change his pass, their side were still damaged as, with correct information, S would not have redoubled but bid 1♥, whereupon N would bid 1♠ and they would reach the making spade game. A ruling under L21B3 was thus requested.

Note by editor:

OB 5H2:

For a year from the effective date of this Orange Book a certain amount of latitude should be shown to players while they get used to the new alerting and announcing rules. Penalties should only be given to repeat offenders who make no effort whatever to follow the new rules. Adjustments may be necessary where the opponents have been damaged, but 5 H 1 should be remembered.

Director's ruling:

Table result stands

Details of ruling:

The TD consulted with colleagues and they considered that South, with her holding, should be aware of the likely meaning of the double and had the opportunity to ask without putting her side's interest at risk. The TD ruled the result to stand. (Laws 21B1, 21B3 and 9B1 (see below). Also OB 5H1 and 2 refers.

Note by editor:

OB 5H1:

A player's claim to have been damaged because the opponents failed to alert or announce a call will fail if it is judged that the player was aware of its likely meaning and if he had the opportunity to ask without putting his side's interests at risk.

Appeal lodged by:

North-South

Basis of appeal:

Misinformation. Would reach 4♠

Director's comments:

In addition to taking account of OB 5H1, the TD and his colleagues considered the effect of not taking such account, but concluded that if South had known that the double was for penalties, then in view of the actual bidding decisions made, the probability of N/S reaching a spade game contract was too low to consider a ruling under L12C3. North's action in bidding 1NT is odd. 1♠ seems a much more normal action and they consider 1NT to be wild or gambling.

The TD also learned that at the table, East passed before the 1♦ was alerted. The players decided amongst themselves to allow a change of call by East. Law 21 states 'until the end of the auction, a player may, without penalty, change a call when it is probable he made the call as a result of misinformation given to him by an opponent (failure to alert promptly....)'

However Law 9B1 states 'the director must be summoned at once when attention is drawn to an irregularity'.

Players cannot make changes of call under Law 21 without the TD. The TD needs to establish the probability that the original call has been made as a result of misinformation. This would certainly have made it clear that the change was because 1♦ doubled becomes penalty when 1♦ was alerted.

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

The failure of N/S to get to 4♠ was not a result of misinformation but the choice of N to bid 1NT. When he changed his call to 1NT he had the info (authorised) that S had a real (9+) redouble and it was his choice that led to the problem.

NB we did not agree that 1NT was wild or gambling (TD's additional notes) but we did think it inferior.

Both sides should be reminded of their responsibilities to call the TD in the event of an infraction. E/W should also have alerted the double of 1♦ if it were agreed to be penalty. (W apologised at the appeal for his failure to do so). Their agreement if as stated should be on the card.

Agreeing with the AC and TD:

David Stevenson's comments:

OB 5H2 suggests that tolerance will be applied until August 2007: this appeal was some months after that, Unless South was very inexperienced, it should have occurred to him how surprising it is that East would find a takeout double of 1♦ artificial but not of 1♦ natural. The TD's view that South should have protected himself seems reasonable. Furthermore, not bothering to call the TD after East's first call was probably a contributory factor. Good ruling and decision.

Nakatani Tadayoshi's comments:

I agree with the decision by the TD and the AC: in my opinion, failure to reach 4S is due to the 1NT bid by North.

I presume a warning was issued to both sides for not calling TD immediately after an irregularity?

Agreeing with the AC but no comment on the TD:

Heather Dhondy's comments:

I agree with the appeals committee.

It seems a reasonably obvious position to protect yourself as South, especially given the confusion over the slow alert of 1D, if your call is really going to be affected by the meaning. It seems to me that N/S were trying to get a second go when it turned out that their original choices hadn't worked out too well, but it does not seem to me that the failure to alert caused their bad result.

Jeffrey Allerton's comments:

I agree with the AC.

Jens Brix Christiansen's comments:

I like the TD's point that N/S contributed to the damage they are claiming by not calling the TD after the original irregularity. Overall I agree with the AC's comments on the case.

Paul Lamford's comments:

Failure to call the director at the correct time could indeed make it harder for N/S to obtain redress if they were misinformed. And did not South wonder why East passed over a natural One Diamond but now wanted to double One Diamond which could be 2 cards? North-South are playing a Strong Club and one would have expected South to ask about the substituted double. It does seem that the poor N/S bidding was the main cause of failing to reach Four Spades, not the misinformation.

Agreeing with the AC but not happy with the TD:

Eric Landau's comments:

The director made several dubious judgments, but lucked into the correct ruling. South's holding in no way justifies the finding that she "should be aware of the likely meaning of the double" absent any additional table action, but once East changes his pass to a double after learning that 1D may have been short, it should have been clear without the TD needing to "establish" anything further. And while bidding 1NT may indeed be "odd", to consider it "wild or gambling" is an absurd stretch. The committee's comments, which suggest that they ignored the director's reasoning but came to the same result, are spot on.

Frances Hinden's comments:

The whole table should have called the TD after the first irregularity. Making up rulings must be discouraged - while some people know you are allowed to change your call after a misexplanation, rather fewer know that you can't always change it. While I agree with the ruling I don't like the Director's comments. If 1NT is wild or gambling, then a split score should be considered e.g. -420 for the E/W, +150 for N/S (I agree with the AC that 1NT was merely 'inferior').

General comments:

Barry Rigal's comments:

Aargh!

I can't think of anything nice to say about anyone who would expect South to work out that double here would be penalties. But the whole farrago (or is it a fiasco?) would probably have been better left to rot unseen. Too messy or complex to learn anything from it.

Bob Schwartz's comments:

Good job by the TD in bringing into play 9B1 therefore enhancing Law 21 which requires a TD's presence. I tend to agree with the TD's evaluation of the 1NT call as wild and gambling rather than the AC's. I am curious to know whether E-W were informed prior to the start of the match that N-S were playing Precision—if so 1D still requires an alert, but perhaps E should have already been prepared. The form says this was board 9 –but is that board 9 of the match or board 2 if there are 7 boards to a match? The failure to reach 4S was due to the N-S bidding rather than the failure to alert the double.

Richard Hills' comments:

The Appeals Committee wrote, 'Both sides should be reminded of their responsibilities to call the TD in the event of an infraction.'

This is not quite correct. Players have a right to avoid drawing attention to an infraction. Laws 9A1 and 9A2 use the word 'may', and the Lawbook's Introduction explains that 'may' means, 'failure to do it is not wrong'. It is possible that you may not want to draw attention to a beginner's infraction, or alternatively save time by ignoring a trivial infraction which causes no damage to your side.

It is only once attention is drawn to an infraction, as indeed happened in this case, that the Director should be summoned immediately (Law 9B1).

Robin Barker's comments:

OK.

Not quite agreeing with the AC:

Tim Rees' comments:

Was N/S's poor result caused by the MI? No, it was bad bridge by them, so they shouldn't be entitled to an adjustment.

Did E/W's infraction contribute to the result? Probably, as if they had explained the meaning of the double, South might have done something different.

So natural justice would suggest that each side should be awarded a bad score (N/S +150, E/W -420). Law 12C1B allows such a split score if "the non-offending side has contributed to its own damage by a serious error (unrelated to the infraction) or by wild or gambling action". The TD considered North's 1NT to be wild or gambling, but didn't take the next step of splitting the score. The AC (correctly in my opinion) considered that the 1NT bid wasn't wild or gambling.

However, I would argue that it was unrelated to the infraction. South's redouble was related to the infraction, as the meaning of the double was relevant, but North's action could be argued to be unrelated. This might be a more liberal interpretation of Law 12C1B than others might make, but it would allow the TD and AC to penalise the infraction, while taking into account bad bridge from the non-offenders.

Final summary by editor:

Different views, but no-one really has much sympathy for North-South.

APPEAL No 3: Weak and Defenceless

08.004 Swiss Teams Congress

Tournament Director:

Barrie Partridge

Appeals Committee:

Jeremy Dhondy (Chairman), David Burn, Richard Bowdery

IMPs to VPs Board no 21 Dealer N NS vulnerable	♠ 9 7 4 3 ♥ A J 9 8 7 5 2 ♦ K ♣ 9	
♠ A 8 ♥ 4 3 ♦ A 9 6 4 2 ♣ Q 6 5 2	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ Q 10 5 2 ♥ none ♦ Q J 10 5 ♣ K J 8 4 3
	♠ K J 6 ♥ K Q 10 6 ♦ 8 7 3 ♣ A 10 7	

Basic systems:

North-South play Acol + 3 weak twos

East-West play Acol

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
	1♥	Dbl	2NT(A1)
3♦	3♥	Pass	4♥
Dbl (H2)	Pass	5♦	Dbl
All pass			

- (1) At least a raise to 3♥ without the double
- (2) Slow double. Convention card shows that this double shows values.

Result at table:

5♦ x ✓ by West, NS -550

Director first called:

At end of hand

Director's statement of facts:

Although the TD was not called until the end of the hand, it had amicably been agreed between the players that there had been a very significant hesitation by W before the double of 4♥. The TD was asked for a ruling concerning E's 5♦ bid. E stated that he had very little defensive strength for his bidding to date and also that W's double showed values and was not described as a penalty double.

Director's ruling:

Score assigned for both sides:

4♥x ✓ by North, NS +790

Details of ruling:

L12C2 and 3, 16A.

Appeal lodged by:

East-West

Basis of appeal:

E/W do not agree that pass is a LA.

Director's comments:

The TD consulted with colleagues and they felt it clear that passing with the E hand was just as much of a LA with the value-showing double as it would have been following a penalty double.

Appeals Committee decision:

Table score re-instated

Deposit returned

Appeals Committee's comments:

W did not double 2NT.

E had a sub minimum with little defence and good diamonds. We thought it a clear action to pull 4♥x.

Agreeing with the AC:

Barry Rigal's comments:

I normally hate to reward players who pull slow doubles but I think I would have duplicated East's actions. In the USA the directors have taken to polling a sample to test what constitutes a logical alternative; this might have been worthwhile in a case of this sort?

David Stevenson's comments:

The AC have this right. East will not pass the double.

Eric Landau's comments:

The committee was right to overrule the director here; pulling 4HX is a clear action. Had the double been purely for penalties, it would have been a much closer case, but even then still not clear that passing 4HX is a logical alternative to pulling it.

Robin Barker's comments:

Agree with AC.

Paul Lamford's comments:

I think it is clear that the slow double demonstrably suggests bidding on, so the only question is whether Pass is an LA. If, indeed, double shows "convertible values" in the modern style and West would just pass with two trump tricks, then it does seem that 5D is the only plausible choice, with an aceless hand with good trumps. So I agree with the AC.

Agreeing with both the AC and the TD:

Bob Schwartz's comments:

I agree with both the TD and the AC. The TD ruled in a way that the offending side would have to appeal if they so desired. I would think this situation is best handled by a committee of peers rather than a TD or consultation with other players. I think the AC reached the right decision (I would never sit-facing a fast loud x or a slow soft one). I don't understand what a failure to x 2NT is supposed to suggest.

Tim Rees' comments:

Is there anything in the auction to suggest that 4♥ is likely to make? The comment from E/W that West's double shows values and is not a penalty double can be discounted as self-serving. The fact that West didn't double 2NT (did this suggestion come from the AC or from E/W?) isn't relevant – he could easily have a 2452 shape.

So the question is whether East's hand is sufficiently unusual for him to remove his partner's penalty double. Under the Laws in force at the time, pass would be a logical alternative if a significant number of players (the EBU guidance suggested 30%) would pass on this auction. I think this is quite close, and I would be willing to go along with the AC's decision.

Under the 2007 Laws, pass would be a logical alternative if a significant number of players (the EBU guidance suggests 20%) would consider passing, of which some would actually pass. Under these new criteria, I would disallow East's 5♦ bid.

One final point: as the decision is quite close, the TD was right to disallow the 5♦ bid, and force the offending side to appeal.

General comments:

Heather Dhondy's comments:

We have not been told what the 3H bid signified, but I think it could be relevant. Some play it as "weakest action" in which case it needn't show extra heart length. If, for example, North had just shown a minimum, what is to stop West having 4, or even 5 good trumps (if North was, say, 4441)? I am generally suspicious of these self-serving comments about doubles showing "values". After they have been made slowly, that is exactly what they show!

I'm not sure about the AC's comment about the lack of double of 2NT. That is what you would do if you wanted to double 3H, for sure, but if you wanted to double 4H you might not want to reveal your plan at this stage and warn them off bidding it.

Nakatani Tadayoshi's comments:

I think the TD should have consulted with players of the class concerned, not with his colleagues. (If the TD polled players and came to the decision that pass is a LA, I would be inclined to support the TD). I agree with the AC that passing the double with this hand and the vulnerability is not a LA for East. I am amazed to read that the meaning of double in this sequence was shown on the E/W convention card.

Richard Hills' comments:

Directors' judgement: '.....passing with the E hand was just as much of a LA with the value-showing double as it would have been following a penalty double.'

Correct as far as it goes, but since passing a hypothetical penalty double from West is not a logical alternative for East, neither is passing a value-showing double from West a logical alternative for East. 😊 😊

This is one of the pillars supporting the Appeals Committee system; as a general rule at least one Appeals Committee member has greater bridge judgement in borderline cases (in this particular borderline case, Appeals Committee member David Burn) than the combined bridge judgement of the Directors.

WBF Code of Practice for Appeals Committees, page 4:

'An appeal committee will ideally incorporate a quota of strong players together with other members considered to be of broad bridge experience who have a balanced objective approach to the decision making process. The chairman of a committee should ensure that the stronger players play a leading role in questions of bridge judgement.'

Doubts about the understanding of double and suggestions for polls:

Frances Hinden's comments:

The meaning of the double is relevant: opposite a general 'values' double, not implying trump tricks, it is much more tempting to bid than if partner could be looking at QJ109 of trumps. Did E/W really have an agreement about this exact auction? Even pairs playing 'double generally take-out' would usually play this one as penalties. I would be interested in the results of a poll with three possible meanings for the double: values, penalties, or undiscussed.

Jeffrey Allerton's comments:

The EBU convention card has a section for "special uses of doubles" but it should not be inferred from the inclusion therein of a phrase like "value showing doubles" that double is played that way in this particular sequence.

The TD "consulted with colleagues" to determine whether or not pass was a logical alternative, but a better approach would be to carry out a poll of peers of East (including the colleagues as part of the sample if they are deemed to be peers). If a comprehensive poll has been properly performed then the AC is unlikely to have a reason to over-turn the TD's ruling.

Final summary by editor:

A generally popular decision. Note that TDs are expected to poll here, but they do not always write the result of polls on the form. Perhaps they should. Also the idea that a TD should deliberately rule in such a way that the offending side has to appeal is at least twenty years out of date.

APPEAL No 4: Imprecision club

08.010 Spring Congress Swiss Teams

Tournament Director:

Ian Muir

Appeals Committee:

Ted Reveley (Chairman), Richard Pike, Bill Townsend

IMPs to VPs Board no 28 Dealer W NS vulnerable	♠ 10 ♥ 10 5 3 ♦ Q 9 6 4 ♣ J 10 8 7 2	
♠ 9 8 6 5 4 3 ♥ K Q J 7 6 2 ♦ none ♣ 3	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ A ♥ A 9 4 ♦ 10 8 7 5 3 2 ♣ 6 5 4
	♠ K Q J 7 2 ♥ 8 ♦ A K J ♣ A K Q 9	

Basic systems:

East-West play imprecision diamond and some Acol, 5-CM, weak NT

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
Pass	Pass	1♦(A)	Dbl (1)
2♣(2)	Pass	2♦(A)	Dbl (3)
4♥	Pass	Pass	4♠
Dbl	All pass		

- (1) S asked W about 1♦. Reply 12-17, no 5-CM, not weak NT
- (2) Not alerted. 2♣ shows 8-11, mild game try, 5-CM
- (3) S asked W about 2♦. Reply no 4-CM

Result at table:

4♠x – 5 by South, NS –1400, lead ♥K

Director first called:

At end of hand

Director's statement of facts:

The TD was called at the end of play and asked by S to record the psyche. W stated that there had been no psyche and the TD asked S to repeat the auction including any alerts or questions. It became known that the conventional 2♣ bid had not been alerted. S claimed that he is damaged by this misinformation and would not bid 4♠ had he been alerted to the artificial 2♣.

Director's ruling:

Score assigned for both sides:

4♥x - 1 by West, NS +100

Details of ruling:

Too late to change a call. (L21B3)

Director's option to award adjusted score. (L40C)

Assigned score awarded 'most unfavourable' for the offending side. (L12C2)

Appeal lodged by:

East-West

Facts under dispute:

That 4♥x is defeated; that W's 2♣ could be natural.

Director's comments:

2♣ shows 8 to 11 and is a mild game try with a 5- CM.

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

Don't keep money as on some defences 4♥ might make. However we agree in general with TD ruling. It should be made clear that if using a complex system, it is incumbent on the players to ensure the opponents know the full meaning.

Adjusting is reasonable, but not the way it was done:

Barry Rigal's comments:

There was an infraction; but did it damage South? It sounded like West had hearts and thus not spades. I can understand E/W keeping their result; giving N/S the whole shebang as opposed to an apportioned result seems over-generous to me.

Eric Landau's comments:

The committee didn't keep the money "as on some defenses 4H might make", but isn't that true of just about any contract ever undertaken? Perhaps they meant "on some reasonable or likely defenses", but that's not clearly the case here. Even if North were to lead an unlikely club against 4H, switching to a trump after seeing the dummy seems clear from either side.

Nakatani Tadayoshi's comments:

The decision by the TD and AC with their reasoning is OK, but I have a feeling that even if 2C had been alerted properly (a 5-card Major with 8-11), there seems to be a certain chance South still might have bid 4S.

Another point is that I do not object to assigning 4Hx-1 to E/W (offending side) as 'most unfavourable that was at all probable', however for N/S (non-offending side), this would not be 'the most favourable result that was likely'. 4Hx would make more often than not, I believe?

Bob Schwartz's comments:

The failure to alert 2C is what caused all of the problems on this hand—and is deserving of the most unfavorable result. However, that being said, I think it is a stretch to say that 4H is down 1. We must pretend that South's 4S bid did not occur—but I would still lead my stiff spade vs 4H given the 2 takeout x's. If North knew West had at least 5H—who has the spades? Most likely--partner. With that lead 4H is a probable make. With a trump lead (or a club followed by a trump) 4H is down 1. I wish the TD and/or the AC presented their reasoning for a set of 4H not to mention which hand would have doubled 4H.

I also would like to raise a question about West's 4H call. Was it influenced by the failure to alert the 2C call? If 2C was a mild game try—what changed? What did West learn? He learned that East had real diamonds. Why not bid 4H over the initial x?

I would have reverted the contract to 4H x +/- 590 and given a procedural penalty to E/W—they definitely deserved one (if not 2). I absolutely hate giving E/W that score—but I can find no real justification for 4H down 1.

Suggesting a weighted score would be better:

David Stevenson's comments:

It seems incredible that people playing an artificial system fail to alert. The TD comments that one of the facts under dispute is whether 2♣ is artificial, but does not explain and this makes little sense.

Even the AC accept that making nine tricks exactly is not certain, so why no weighted score? Ten tricks seems easy on a pointed suit lead, and a spade seems normal enough.

Frances Hinden's comments:

The TD was called "to record the psyche". It's not clear which bid was the psyche - East's opening is not in accordance with the described methods, but this has not been considered further. The auction is a mess. 2♣ was incorrectly not alerted, giving N/S misinformation. South bid 4♠ in the belief that West had clubs and hearts. I don't see why South would double instead with the knowledge that West solely has an invitational hand in hearts. However, if N/S were not under the impression that West had shown a club suit, they would have a chance of getting to 5♣. I would give N/S at least some percentage of +600, with a share of 4♠x, a tad of 4♥x-1 and a smidgeon of 4♥x making.

Robin Barker's comments:

Both the TD and the AC might have awarded some percentage of 4HX=.

Tim Rees' comments:

N/S have been given MI, and they have been damaged by it. The TD has awarded an adjusted score under Law 12C2 (1997 Laws). In England, TDs were encouraged to use Law 12C3 instead, and give a weighted ruling. 4♠ would not be part of the weighting, but 4♥ doubled and 5♣ would be possible outcomes. I'd have liked to have seen the TD give a ruling including proportions of each. I'd certainly have liked the AC to have considered this.

Jeffrey Allerton's comments:

First of all, the TD/AC should ask South why he “would not bid 4♠ had he been alerted to the artificial 2♣”. He might come up with a plausible explanation (here, there is one: East has denied 4 spades whilst West can't have many if he has shown a rounded two suiter) but it is also possible that this particular South's bidding was not affected by the misinformation.

The AC notes that “on some defences 4♥ might make”. (I agree: most Norths will look no further than their singleton spade and the natural line leads to 10 tricks.) If the TD considered it most equitable to rule under (1997) Law 12C2, then whilst the offending side should have been assigned the ‘most unfavourable result that was at all probable’, the non-offending side should have been assigned ‘the most favourable result that was likely had the irregularity not occurred’. As a non-spade lead is arguably ‘at all probable’ but unlikely, this might have led to a split score (for N/S: 4♥x = by West, NS -590, for E/W: 4♥x - 1 by West, NS +100).

Notwithstanding the potential for a split score, the normal practice in England in such circumstances is to award a weighted score to both sides, using (1997) Law 12C3. Here 75% of 4♥x = by West, NS -590, plus 25% of 4♥x - 1 by West, NS +100 for both sides might have been fair and equitable.

Keep the money:

Heather Dhondy's comments:

I agree with the AC except that I would keep the money. I do not understand even the description of the Basic system, and why N/S are supposed to deduce that 2C can't be natural (one of the facts under dispute) is beyond me.

I understand that 4H will make on some defences, but that is not the test. The TD gave the correct ruling under Law 12C2, so there is no case for appeal.

No reason to adjust:

Paul Lamford's comments:

Firstly, East's One Diamond is a psyche – it is a gross distortion of the stated range of 12-17. But West did not field it in any way, driving to game in hearts. East failed to alert Two Clubs, but it is not clear to me why South thinks that, had he done so, and then West bid Four Hearts as he did, that would make an iota of difference to his decision to bid Four Spades. Presuming, that is, that 2C shows 8-11 with only one five-card major. South with correct information, will only be able to conclude that West wants to play in Four Hearts opposite a 1D opener. His ridiculous double of 2D was to blame – what was wrong with 2S or 3S instead when he would have shown his hand? The TD and AC seem to want to “punish” the psyche and the failure to alert, contrary to the rectification guidelines in the Introduction to the Laws. The table result stands for me. And yes 4H is beaten on a trump lead (or a club lead and a trump switch) but why should North not make his obvious lead of the singleton spade? To allocate 0% of 4Hx = is quite astonishing. Even thinking about keeping the money was a mistake.

General remarks:

Richard Hills' comments:

'It should be made clear that if using a complex system, it is incumbent on the players to ensure the opponents know the full meaning.'

Hear! Hear!

My complex Symmetric Relay system has even its negative inferences fully explained by me (and/or pard) to the opponents.

EBU Laws and Ethics Committee's comments:

When the number of tricks likely to be made in a contract is uncertain, and that contract is assigned, it seems odd not to use Law 12C3.

Final summary by editor:

Why did neither the TD nor the AC weight the scores? There was a general feeling that this was a mistake.

APPEAL No 5: I was confused

08.011 Spring Congress

Tournament Director:

Ian Spoors

Appeals Committee:

David Burgess (Chairman), Ted Reveley, Clive Owen

MPs to VPs Board no 10 Dealer E All vulnerable	♠ K J 8 7 6 5 ♥ K Q J 3 ♦ none ♣ 7 6 5	
♠ 4 3 2 ♥ 7 6 ♦ J 8 7 5 3 ♣ A J 10	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ 10 9 ♥ 10 9 5 4 ♦ A K Q 6 4 ♣ 4 3
	♠ A Q ♥ A 8 2 ♦ 10 9 2 ♣ K Q 9 8 2	

Basic systems:

North-South play Acol

East-West play Acol

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
		Pass	1♣
Pass	1♠	Pass	1NT
Pass	2♣	Pass	2♦
Pass	3♥	Pass	4♣
Pass	4♠	All pass	

Order of play

- | | |
|-----------------|--------------------|
| 1. ♦ K ruffed | 6. Club to K and A |
| 2. ♠ A | 7. Diamond ruffed |
| 3. ♠ Q | 8. Heart to ace |
| 4. Heart to ♥ J | 9. ♣x ♣10 ♥Q ♣x |
| 5. ♠ K | 10. ♦ 5 led |

Result at table:

4♠ + 1 by North, NS +650, lead ♦ K

Director first called:

At trick 10

Director's statement of facts:

The TD was called to the table by W. Apart from dummy, W's ♦5 and N's ♥Q were visible.

West explained that declarer thought it was his lead and E/W disagreed and asked the TD to determine whose lead it was. The TD looked at 2 now quitted tricks and asked what the contract was and where the lead had been. The TD was told 4♠ and dummy had led a club. W had won this trick and the TD ruled that it was her lead. The TD was recalled at the end of the hand when declarer was shown to have clubs in her hand.

The TD read L45D to the players and asked whether it applied. E, W and S agreed that attention was not drawn until the end of the hand. N was still trying to work out what had happened.

Director's ruling:

Score assigned for both sides:

4♠✓ by North, NS +620

Note by editor:

The TD ruled that declarer had called for a heart on the trick that he revoked, so dummy had misplayed a card. The TD ruled that attention was not drawn to the possibility of dummy's error until the end of the hand, therefore the revoke laws apply. (L45D and L64A2)

Appeal lodged by:

North-South

Basis of appeal:

'I did not revoke'.

Was attention drawn before both sides had played to the next trick?

Director's comments:

If a revoke has occurred, but is not yet established, the TD felt it was his duty to do nothing to help declarer realise his error. The TD did not instruct the table to play on but left after ruling that it was W to lead. The TD suggested that the basis of appeal was about his finding of fact but North denies this.

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

N may (as he claimed) have called for a heart. He ought to have observed that dummy had too many hearts and not enough clubs. He did not correct dummy's play. He did revoke.

The committee felt that N seemed very confused. We felt soft-hearted and returned the deposit.

Another meritless appeal with the money returned:

David Stevenson's comments:

Why feel soft-hearted? Ok, North was confused at the time, but hours later when the AC was held surely he should have accepted what happened. It is this sort of appeal where North cannot possibly get anything that should be stopped, but will continue if ACs give deposits back.

Bob Schwartz's comments:

Soft-heartedness is not an acceptable excuse for not KEEPING THE MONEY! Confusion, I can relate to—many of my partners observe that quality in me. This was merely a matter of Law—and should never have reached a committee.

The TD should have made sure the revoke did not occur:

Barry Rigal's comments:

Agreed that once director determined a club was called for, and North was informed of this, it was technically up to him to correct his revoke. But as TD I would have made sure no revoke occurred. Returning the deposit seems fine to me.

Frances Hinden's comments:

The Director's duties include "to rectify an error or irregularity of which he becomes aware in any manner". I can understand not pointing out a revoke before it becomes established, but if the TD was aware that declarer had called for a heart and dummy had played a club he should have said so.

Heather Dhondy's comments:

This seems to me to be a case of director error. The call for the TD was made when the 5D, QH and dummy were visible, then the revoke was not established since declarer had not played to the next trick. Therefore the TD should have instructed North to substitute the QH with a club. Far from returning the deposit out of sympathy, I would have ruled in declarer's favour and adjusted to 4S+1.

Jeffrey Allerton's comments:

Does the Chief TD review the legality of rulings before they are heard by an AC?

I am surprised at the TD's comment: "If a revoke has occurred, but is not yet established, the TD felt it was his duty to do nothing to help declarer realise his error.". (1997) Law 81C6 states that it is the TD's *duty* to "rectify an error or irregularity of which he becomes aware *in any manner*, within the correction period specified by Law 79C" (my italics). At the point when he was first called to the table, the TD seems to have been aware of an unestablished revoke by declarer (once he has ruled that a club was led) at trick 9, so he should have ensured that this irregularity was rectified immediately under Law 62A. After following with a small club and losing this trick, declarer would have claimed the remainder, ending up with 11 tricks. Law 82C (Director error) applies and, in my view, the correct ruling is 4♠ + 1 by North, NS +650, for both sides.

Nakatani Tadayoshi's comments:

Based on the write-up, the decision by the TD and the AC is fine. But if I were called to the table, I would have allowed declarer to replace HQ played at trick 9 with a club from his (her) hand. I well understand and can accept the action this TD had taken at the table, but I believe that sorting out the mess and ensuring trick 9 is constituted with legal cards is a part of director's responsibility to keep the game going. Maybe I might be stepping out of my duty as a director.

Robin Barker's comments:

As a "soft-hearted" TD, I might have read Law 45D at the time or simply asked North what card he called from dummy, since it was still in time to correct the misplay by dummy.

The TD should have made sure the revoke did not occur, but the deposit should have been kept:

Tim Rees' comments:

It took me some time to work out what had happened here. Essentially, the TD's first visit to the table was to restart the play, and was irrelevant to the revoke ruling (the ruling was the same as it would have been if the TD was first called at the end of the hand).

Law 45D refers to "attention drawn to [a card misplayed by dummy] before each side has played to the next trick". It feels wrong to me that the TD was at the table at that time, but that he chose not to ask questions about what had happened. It might well be that he acted according to EBU guidance, but it seems that a full investigation at this point would have identified that North had revoked.

However, given what happened, it seems clear that North revoked. She might have been confused at the time, but that isn't a valid basis for appeal. South also has responsibility for the appeal – he could have explained to North what had happened. So I'd have kept the deposit.

No problem with TD or AC:

Paul Lamford's comments:

I was West (I do seem to get them). The facts are as stated. North made no statement that he thought he had called for a heart from dummy until the end of the hand, at which point the revoke was discovered; I thought he had possibly ruffed with the wrong suit, rather than what he actually stated he did! It was a technical ruling, and the TD and AC were right.

Richard Hills' comments:

The Director (not the players) has the responsibility for rectifying irregularities and redressing damage. The Director's duties and powers normally include also the following:

6. to rectify an error or irregularity of which he becomes aware in any manner, within the correction period established in accordance with Law 79C.

Note that Law 81C6 states 'within the correction period', *not* 'immediately', so I agree with the table Director's policy.

In a hypothetical case where the Director is called to the table for another reason and observes a revoke, but all four players do not observe the revoke, then Law 81C6 requires the Director to rectify the revoke at some time. *But* fairness to the offending side requires the Director to delay that time until the only revoke Law still applicable is Law 64C (Director Responsible for Equity), since otherwise the Director is the third member of the dozy non-offending side in helping them acquire bonus revoke tricks.

Final summary by editor:

Is the TD required to point out the revoke by Law 81C6? Or should he do so even if not required? The majority thought so. It seems a pity that the EBU L&EC did not comment on this aspect of the application of Law. Some of the minority thought the appeal frivolous, but only one of the majority said so. I wonder whether the rest who thought the TD should have pointed out the revoke really thought the appeal had merit.

APPEAL No 6: Fielded misbid?

08.012 Spring Congress

Tournament Director:

Ian Muir

Appeals Committee:

Jason Hackett (Chairman), Michael Byrne, Jon Williams

MPs to VPs Board no 7 Dealer S All vulnerable	♠ Q J 6 4 2 ♥ 9 6 5 ♦ K 8 2 ♣ A Q	
♠ A 10 9 ♥ none ♦ A 7 6 4 3 ♣ K J 8 6 5	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ K 8 7 ♥ A K J 8 7 ♦ Q J ♣ 7 4 2
	♠ 5 3 ♥ Q 10 4 3 2 ♦ 10 9 5 ♣ 10 9 3	

Basic systems:

East-West play splinter bids over all openers.

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
			Pass
1♦	Pass	3♥	Dbl(1)
4♣	4♥	Dbl	All pass

(1) S asked W the meaning of 3♥. After some questioning W alerted the 3♥ bid and explained it as a splinter showing a singleton or void.

Result at table:

4♥x - 4 by North, lead ♦Q

Director first called:

At end of hand

Director's statement of facts:

The TD was first called at the end of the play and informed of the auction. The E/W convention card confirms that 1♦ 3♥ is a splinter bid, so there is no infraction. TD returned to the table to give his ruling and was asked by N/S whether this was supported by W's subsequent pass of the double. TD retired for further consideration to this aspect of the auction.

Director's ruling:

Artificial score awarded:

Average plus to N/S, 30% to E/W

Details of ruling:

W's failure to bid on over his partner's double of 4♥ indicates to me that he believes his partner to hold values/length in hearts. The TD classified this as a RED fielded misbid.

Note by editor:

According to regulation, a Red Misbid is scored as Ave +/Ave -.

Appeal lodged by:

East-West

Director's comments:

If E has the values for a splinter bid and a penalty double of 4♥, the TD feels that E/W should bid on to game or possibly slam. Failure to do so implies that W thinks E now has hearts although the bidding does not support this. E/W agree that they do splinter with a singleton ace.

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

The Orange Book clearly states that a fielded misbid falls into the same category as a fielded psyche. Thus there are no grounds for the committee to adjust the score.

The committee strongly considered, in what was a black and white case, retaining the deposit. There are no grounds whatsoever for standing the double opposite a singleton or void heart often leading to defending a cold game with slam possible in diamonds. However the inexperience of the E player, and our being led to believe this to be his first ever appeal, committee just decided to return the deposit.

L&EC Secretary's comments:

East is unranked.

Keep the money:

Bob Schwartz's comments:

Everything perfect until the last sentence. Keep the \$\$\$\$. Total waste of everyone's time. East may be inexperienced—but West is the one who passed the double. What is his level of experience? It isn't relevant in any case—these kind of appeals need to be punished.

Why the extra penalty?

David Stevenson's comments:

I think this is alright and yet I wonder whether as West I would really believe East had a shortage. Passing is interesting as it seems to give East a further chance to describe his hand. But why the 10% penalty? Did the TD not know the regulations since he gave no reason?

Frances Hinden's comments:

From the White Book: "...While a procedural penalty of a standard amount is normal with a fielded psyche, and no procedural penalty at all with an illegal method or a fielded deviation or misbid, the TD does have the right to penalise to a greater degree in aggravated circumstances."

I agree with the TD and the AC that West changed his mind during the auction, with the pass of 4♥x showing evidence that he now believed partner had hearts, i.e. he fielded the misbid and opponents were damaged. But I don't see any 'aggravated circumstances' so 60:40 is the correct ruling, and it's a pity that the TD (or indeed the AC) did not know this.

Jeffrey Allerton's comments:

In England, the assigned score adjustment for a "red" fielded misbid should be the worse of the table score and average minus for the offending side (and the better of the table score and average plus for the non-offenders). The actual TD/AC assigned score would have been correct had the fielded bid been a psyche rather than a misbid.

Meritless, but returning the deposit is acceptable:

Heather Dhondy's comments:

I agree that this is a meritless appeal. In my opinion this is what the consultant "cuddly" is for, in order to stop these appeals ever having to take place. I would not argue with the judgement to return the deposit on grounds of inexperience, but I hope that East/West were told that this was the only reason for so doing.

Should N/S get redress?

Nakatani Tadayoshi's comments:

The decision by the TD and the AC is OK under the regulation in the Orange Book (a discussion is going on at BLML if this regulation of 'RED fielded misbid' is legal under the LAW, but I refrain from making any comment here).

It is fine to give average minus to E/W but I feel a bit uneasy to give average plus to N/S when you consider South's double of 3H with this hand (maybe my bidding style is too old-fashioned). It seems to me N/S deserves the table result of 4Hx -4?

Paul Lamford's comments:

I would agree that passing 4H doubled is unlawful in more ways than one. Opposite Kxx x KQxx Axxxx which looks minimum for a FG splinter, you probably need just to find the right grand. And I presume that a red fielded misbid exonerates North-South from punishment for the clearly wild double of 3H by South.

The legalities:

Barry Rigal's comments:

This is a new position for me; if East is unranked did West do something so terrible when he passed? Did he have Unauthorized Information? I'm not sure I see it but in the circumstances my unfamiliarity with the laws here suggests that comment from me is inappropriate.

Richard Hills' comments:

Extract from EBU Law and Ethics Committee minutes, 4 September 2008:

Discussion moved on to the disclosure of psychic tendencies, with Mr Burn suggesting that psychic tendencies should be disclosed but as soon as you do that it becomes subject to the regulations on partnership agreement. An example given was where the auction went 1C (Precision) followed by a psychic 1S overcall - made on any 13 cards. Partner always treats the call as showing a genuine spade overcall so there is no element of fielding. Mr Stevenson said that it was correct to disclose such tendencies but you couldn't use them for your own use. It would also be allowed to know that one opponent psyched but the other did not.

Mr Burn suggested that whatever the committee did would be illegal but the most sensible way forward was to allow disclosure.

The reason that Davids Burn and Stevenson were tying themselves in knots is that historically the EBU has treated 'fielding' as an infraction in and of itself. However, the new Law 40 in the 2007 Lawbook clarifies that it is not 'fielding' which is an infraction -- anyone may make any call, Law 40A3 -- but rather 'fielding' is merely *evidence* of an undisclosed partnership understanding, and it is the *undisclosed nature* of the partnership understanding which is the infraction. See Laws 40A1, 40B4, 40B6 and 40C1.

So if I were an Aussie TD deciding Appeal 6 under Aussie regulations, I would rule 'table result stands'. West guessed that the odds of East holding a singleton heart opposite West's void in hearts were less likely than East making a mistake, so West took a Law 40A3 punt. It was West's *cards* which let West make a lucky guess, not any nefarious undisclosed East-West partnership understanding. (Plus the North-South auction provided another clue. How probable was it that both South and also North chose to pass on the first round of the auction when holding 12 or 13 hearts between them?)

Meanwhile, David Burn's hypothetical example of an unfielded 1S overcall of a Precision Club is also easily resolved. Since a nefarious undisclosed partnership understanding about a 1S overcall is automatically an infraction of Law 40, it is entirely irrelevant whether it is fielded or not (any fielding merely means that the perpetrators are caught today, rather than tomorrow).

Disagreeing with the ruling:

Robin Barker's comments:

I don't agree with the application of law/regulation to rule red fielded misbid. For there to be an infraction, the law requires a concealed partnership understanding (CPU); to rule fielded misbid, the EBU regulation requires evidence of a CPU. What CPU are we suggesting for E/W "3H = splinter or penalty double of hearts"? I think West's Pass is based on the knowledge that penalty doubles are to be passed and are often based on trump length. The fact that this understanding contradicts the systemic meaning of 3H means West is in a quandary. I do not see any attempt to conceal any partnership understanding of 3H.

Tim Rees' comments:

I'm nowhere near as convinced by this as the TD and AC were. They suggest that the bidding does not support the fact that East has hearts. However, both opponents have passed at the 1 level, making it extremely unlikely that they have 12 hearts between them. Forcing West to assume a near-impossible layout, rather than his inexperienced partner has made a mistake, seems extremely harsh. Presumably East intended to bid 2♥ rather than 3♥.

I'd also consider that N/S were largely responsible for their bad result. Bidding 4♥ on three small opposite a lead-directing double looks wild to me. I suppose that once the TD has ruled a red fielded misbid, everything subsequent is cancelled, so the TD was right not to consider N/S's actions.

However, I wouldn't have ruled the red misbid, and I would have let the table result stand.

Final summary by editor:

This one is definitely not agreed. Some of the comments suggest a misunderstanding of the English position: as Robin says, a Red Misbid ruling needs evidence of a CPU. As to the legalities, it is a little late to challenge them, whether they were legal under the old Law book in operation at the time of this appeal, the new Law book that came into operation three months later definitely legalised the Red Misbid approach, so long as it is realised that it is a breach of Law 40.

APPEAL No 7: Another misbid?

08.013 Spring Congress

Tournament Director:

Phil Godfrey

Appeals Committee:

Ted Reveley (Chairman), Paul Lamford, Clive Owen

MPs to VPs Board no 14 Dealer E None vulnerable	♠ J 10 9 6 3 2 ♥ K 10 8 6 5 2 ♦ 10 ♣ none	
♠ A 8 4 ♥ 9 7 3 ♦ A 6 4 3 ♣ 10 7 2	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ K ♥ J ♦ K Q 8 5 ♣ Q J 9 6 5 4 3
	♠ Q 7 5 ♥ A Q 4 ♦ J 9 7 2 ♣ A K 8	

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
		1♣	1NT
2♣(A1)	2♠	3♣	Pass(2)
Pass	3♥	Pass	3♠
All pass			

- (1) 'the majors', subsequently 5-4
- (2) S asked about the alert before call

Result at table:

3♠ + 1 making by North

Director first called:

At end of hand

Director's statement of facts:

N called to state that explanation of 2♣ did not fit the contents of the hand. She would have bid 4♠ if she thought it was intended as club support. This treatment is now on the convention card.

Director's ruling:

Table result stands

Details of ruling:

The TD was satisfied that East's explanation was correct and W had misbid. No damage.

Note by editor:

Regulations require misbids to be categorised based on the possibility of partner fielding them.

Appeal lodged by:

North-South

Director's comments:

Although this method was not specifically on the card this is such an unusual treatment of the 2♣, it would be difficult to give such an explanation if they were not playing it.

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

The TD decision was a misbid although the explanation did not appear on the card. Whilst we agree with misbid we feel that as the convention was not on the card N/S have a reasonable case to make and the deposit is therefore returned.

Should be ruled as a misexplanation:

Barry Rigal's comments:

In the US this would be clear; if it is an unusual treatment and not on the card assume mis-explanation not misbid. I think that is the right way to go; if they have no system notes reflecting it they have robbed their opponents and got away with it. Punish the offenders – and here that is clearly E/W not N/S. Yes maybe North 'knew' what was going on but without the mis-explanation he had a far clearer action.

Bob Schwartz's comments:

I'm not as convinced as the TD and AC regarding the evidence of a misbid. If it isn't on the convention card or in any kind of system notes-I would be pretty skeptical. I would certainly not rule the same way as the TD – based on "no damage". Of course there was damage-South questioned the explanation before passing (I think I would still bid 3S). Actually the treatment is not that unusual-many people play conventional responses after a 1NT natural overcall, but they should be listed on the Convention Card. A 2C bid as Landy is certainly one of them. I have played Cappelletti, Suction, and Crash with different partners.

I would have ruled +/- 420.

Frances Hinden's comments:

Misbid or misexplanation? As the Director is to presume mistaken explanation rather than mistaken call in the absence of evidence to the contrary (21B1b), the correct ruling is mistaken explanation and an adjustment to 4♠ making is correct (with some percentage of an overtrick depending on who the eventual declarer would be). Playing 2♠ as the majors is a popular treatment in some circles, and it is plausible that East plays it with others, or has discussed playing it with this West; that does not make it evidence that it was this partnership's agreement.

Heather Dhondy's comments:

If E/W cannot provide evidence that this is their method and the evidence of the West hand does not support the fact that it is their method, I don't see why they should get the benefit of the doubt. I would adjust to 4S=.

Jeffrey Allerton's comments:

(1997) Law 75D (Law 75C in the 2007 Laws) requires the TD to presume mistaken explanation in the absence of evidence to the contrary. Here the only evidence to the contrary is East's explanation itself, which is presumably given equal weight to West's action on the hand. I disagree with the TD's conclusion that "it would be difficult to give such an explanation if they were not playing it". Perhaps East plays this convention with another partner and had confused his agreements; perhaps he had deduced from his own shape and the 1NT overcall that his partner 'must' have both majors.

Assuming that West's 2♣ bid had been described as natural, N/S would almost certainly have reached 4 of a major, over which East (still picturing his partner with both majors) would not find the profitable save. The successful defence to 4♥ is very unlikely to be found, so I would favour a weighted score with 4♥/♠= and 4♥/♠+1 being the possible outcomes. The TD/AC should enquire into the N/S methods to establish the likelihood of South becoming declarer (an opening diamond lead may be less obvious to West).

Robin Barker's comments:

I do not see sufficient evidence not to presume misexplanation rather than misbid. The unusualness of the treatment is only evidence that East thinks this is their agreement; the fact that West bid 2C on this hand is evidence that the unusual treatment was not their agreement. I think the AC should have overturned the TD decision that this was a misbid, and ruled on misinformation.

Is it true?

Nakatani Tadayoshi's comments:

From the write-up, it is difficult to understand that 2C was a misbid by West rather than MI by East, especially when you see the whole hands. Probably this E/W gave an example of this particular agreement to TD and AC from a previous match?

Tim Rees' comments:

The TD and AC have determined that 2♣ was a misbid. I might have been a bit more suspicious, as it wasn't on the convention card, but I haven't had the benefit of hearing the players.

A fielded misbid?

Jens Brix Christiansen's comments:

It was established that 2C shows the majors according to E/W's agreement, but no information is given about the values shown. Unless 2C may include a weak hand that intends to pass partner's next bid, East's final pass seems to be a fielded misbid.

North bid a presumably non-forcing 2S without inquiring about 2C after the alert. At that time, therefore, North probably thought that 2C was intended as club support, yet she attempted to sign off in 2S rather than pursue a game contract. This makes it less than obvious that she would have bid 4S if East's explanation had described West's hand. But that is immaterial once the TD has found sufficient evidence supporting that West has misbid.

Why appeal?

David Stevenson's comments:

Why did N/S think this suitable for appeal? Yes, this method is unusual in England and not on the system card but all that was explained at the time of the ruling. There is a section on the appeal form for why the ruling is appealed which is too often left blank as here. Before returning the deposit I should like to know what the basis of appeal was.

Reasonable ruling:

Paul Lamford's comments:

Generally the onus is on the offenders to show that there was a misbid not a misexplanation, but the method of playing 1C – (1NT) – 2 C and 1D – (1NT) – 2D as majors is not that uncommon – I believe it led to the ruling in the Spring Fours Final (the one that seems to be a bit of a secret) – and I think it is best. In the finding of fact, the TD (and the AC) were in agreement that this was the East-West method and West misbid. The omission from the card would be quite common even among top players. There is only so much room, even using Allerton filigree 6 point, to get everything on and a finding of fact based on the balance of probability is often required. The ruling flows easily once the TD finds “misbid”.

Richard Hills' comments:

This case was resolved under the old 1997 Lawbook. Because the old 1997 Law 85 about disputed facts was overly terse, some American Directors incorrectly used to rule that evidence necessarily meant *written* evidence, so such an American Director would have automatically ruled Mistaken Call, due to nothing written on the card.

The actual TD and AC got the ruling of Mistaken Bid right this time without any guidance from the 1997 Law 85, but future TDs and ACs will have plentiful guidance from the new 2007 Law 85A1:

‘In determining the facts the Director shall base his view on the balance of probabilities, which is to say in accordance with the weight of the evidence he is able to collect.’

The new criteria ‘balance of probabilities’, ‘weight of evidence’ and ‘able to collect’ means that a fairer ruling of Mistaken Call (even by an American Director) can be achieved when the Scales of Justice are tilted by highly credible verbal evidence.

Final summary by editor:

A majority feel that the ruling and decision were wrong and that it should have been treated as a misexplanation. The rest range from doubtful to happy with the treatment. The main question seems to be how much the TD and AC should be assumed to have found out from their investigation, and how much it should just be assumed to be a misexplanation without investigating.

APPEAL No 8: Would she pass?

08.014 Spring Congress

Tournament Director:

Phil Godfrey

Appeals Committee:

Jeff Smith (Chairman), Richard Winter, Catherine Draper

MP Pairs Board no 5 Dealer N NS vulnerable	♠ 6 ♥ K 4 ♦ K Q J 8 ♣ A K J 5 3 2	
♠ A 10 5 ♥ A 2 ♦ 9 7 5 4 3 2 ♣ Q 7	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ K Q 9 8 7 ♥ 10 8 7 5 ♦ 10 ♣ 10 6 4
	♠ J 4 3 2 ♥ Q J 9 6 3 ♦ A 6 ♣ 9 8	

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
	1♣	Pass	1♥
2♦	Dbl (1)	All pass	

(1) After opening lead double was explained as 'extra values' with diamonds. Not alerted.

Result at table:

2♦ x - 2 by West, NS +300

Director first called:

At opening lead

Director's statement of facts:

S had not alerted the 'non-take out' double as per OB 5E2(a). E claimed that if she had known it was penalty orientated she would have bid 2♠.

Director's ruling:

Score assigned for both sides:

2♠ - 1 by East, NS +50

Details of ruling:

E/W damaged by failure to alert. E should be allowed to bid 2♠ as rescue. N has already shown a good hand with ♣ and ♦ and hand is probably a misfit so may pass this out. (L12C2)

Appeal lodged by:

North-South

Basis of appeal:

N would bid 3♣

Director's comments:

Although several players would bid 3♣ over 2♠, any doubtful points should be resolved in favour of the non-offending side hence the score of 2♠ - 1.

Appeals Committee decision:

Table score re-instated

Deposit returned

Appeals Committee's comments:

With the correct explanation, we don't believe that E would have pulled to 2♠. Thus we are reverting back to the table score. (It is a little surprising that S passed 2♦ x).

The alert rules are wrong

Barry Rigal's comments:

I'm shocked, shocked, that a penalty double requires alert here. What else should a double mean (if not a support double which absolutely WOULD require an alert)? After all if North had spades....he's bid them! Since in Acol as we all learned it there was NO other interpretation but penalty the alert rules sound ridiculous to me. Justice was restored by the AC. (Those words trip nicely off the tongue and appear to be heard far too infrequently.)

If you think the alerting rules are wrong it is unsuitable to say so based on a single sequence: you need to explain why the overall alerting of doubles is wrong, remembering that previous efforts to solve this problem have been a total failure. But anyway, the alerting rules are what they are: you cannot give a ruling or decision based on dislike of them: they have to be followed.

No damage: East would not bid 2♠:

Bob Schwartz's comments:

I definitely do not agree with the TD ruling even to the extent of 2S -1 and the likelihood of East bidding 2S. It would take very careful defense to defeat 2S -it can be done of course-but requires some degree of care. I agree with the AC that East might not bid 2S and I am also somewhat surprised by South's pass.

What about a weighted score?

David Stevenson's comments:

Completely amazing. Is everyone sure what would have happened? Why? Appeal after appeal cries out for a weighted score: since EBU TDs have been able to give them for eight years now they should be used to them. I consider that anyone who thinks East would always bid 2♠ (TD) or never (AC) really has little idea of how things happen at the table.

Tim Rees' comments:

The TD made a reasonable ruling on this, then the AC made a very poor adjustment.

The TD correctly ruled that the double of 2♦ should have been alerted, then said that East should be allowed to bid 2♠ as a rescue, which would be the final contract. This was appealed by N/S on the basis that they would have gone on to 3♣.

The TD might have applied a weighted ruling (Law 12C3 at the time), assigning percentages to 2♠ and 3♣ (and possibly 2♦* if he felt that East was not certain to remove it). However, assigning 100% to 2♠ and making the offending side appeal was not wrong.

However, what the AC did was wrong. They have imposed their own judgement on East, saying that he would not have removed a penalty double. Why should they do this? East has been deprived of the opportunity to make the winning decision by the MI, and for the AC to further deny him a good score is poor (and this part of the ruling was not appealed by N/S). At the very least, the AC should have awarded a weighted score for 2♦*/2♠.

Finally, their comment about it being surprising that South passed 2♦* is strange. South's pass shows that the double was penalties, and confirms the MI.

As mentioned elsewhere giving incorrect rulings so as to make sure the offending side have to appeal has not been considered correct in this country for many years.

Frances Hinden's comments:

A number of judgement decisions required here. A poll might have helped determine whether East would pull a penalty double of 2♦. It is not at all 'surprising' that South passed it – did the AC misunderstand the auction? My view is that East should be assumed to bid 2♠ at least some of the time but that would not end the auction. South didn't mention doubling this for penalties although that is possible; North certainly would not pass out 2♠ undoubled. N/S have a case if they suggest the auction would continue... 2♠ P P 3♣ P 3NT making 9 or 10 tricks. I agree E/W have MI and may have been damaged, but I don't think they can hope for more than a share of -150 for 3♣+2.

Paul Lamford's comments:

I am with the director on this one as far as the MI is concerned. East is certainly much more likely to bid 2S if the double is basically penalties, which is what "extra values with diamonds" means surely – but he might not, and he never will if double is takeout. I don't think any North with a pulse would pass out 2S however, and 3C looks normal if double would, as it seems, be penalties. We cannot give South too much of the successful 3NT, or he will do better than the table score! At a rough guess, I am going for 25% of 2Dx – 2, 0% of 2S – 1, 65% of 3C +2 and 10% of 3NT =. But I should be polling players of like ability and methods with the correct information ...

Richard Hills' comments:

Both the TD and the AC were wrong. Given that they both ruled that there was an MI infraction, and given that there were a number of possible outcomes had that MI infraction not occurred, both the TD and the AC should have chosen to award a weighted score.

In particular, the Appeals Committee ignored the matchpoint pairs nature of the scoring. At matchpoints, -300 in 2Dx is often the same bottom as -800 in 2Sx. So the risk-to-reward ratio of running to 2S is very high at matchpoints; tails you break even, heads you have found a better spot.

Jeffrey Allerton's comments:

Well done to the players for calling the TD as soon as the infraction had come to light. The TD should have given West the opportunity to change his last call, but the form is silent on this issue. At what point did East claim that she would have pulled to 2♠? If she had said so before seeing her partner's hand, I'd be inclined to believe her.

If East does pull to 2♠ then North/South will surely bid on and a weighted score between 2♦x-2 (W), 3♣+2 (N), 3NT (S) and 3NT+1 (S) would seem sensible. If the weighting attached to South reaching 3NT is relatively high, it may transpire that E/W do better to keep their table score, i.e. there was no damage from the infraction.

Or a split score?

Eric Landau's comments:

I don't believe that East "would have" pulled to 2S either, so E-W keep their result. But to leave N-S with their windfall requires a much stronger finding, that East's pulling was "not at all probable", and the committee doesn't seem to have addressed that question. It's not clear whether that was an oversight in their deliberations or merely in their writeup.

Happy with the TD:

Heather Dhondy's comments:

Seems reasonable to pull to 2S at MP pairs when you have been doubled for penalties. Hence I believe that East has been damaged, and agree with the TD's ruling.

Various possibilities:

Nakatani Tadayoshi's comments:

I am not as convinced as AC that East would not pull to 2S with a correct explanation.

If East pulled to 2S, then it is, in my opinion, very likely that North would bid 3C, so I would rule 3C by North NS +150 to both sides.

However if you bid 2D with this hand, sometimes you get away with it but sometimes you get -300 or worse, so AC's decision could be right.

Robin Barker's comments:

OK. I guess I can live with either the TD or AC ruling.

EBU Laws and Ethics Committee's comments:

The TD thought East would bid 2♠, the AC thought East would pass. Surely a case for a weighted ruling under Law 12C3.

Final summary by editor:

The majority see the merits of a weighted score. It seems strange how many TDs and ACs show doubt about the result and then give a single score. There was some support for the AC's strange comment that they were surprised South had passed a penalty double.

APPEAL No 9: Who has the diamonds?

08.015 Spring Congress

Tournament Director:

Rob Turner

Appeals Committee:

Jon Williams (Chairman), Bill Niccol, Andrew Petrie

IMPs to VPs Board no 19 Dealer S EW vulnerable	♠ Q 5 4 3 ♥ 6 ♦ A K 10 4 ♣ A Q 9 3	
♠ K 10 9 8 7 ♥ A Q 8 5 ♦ 9 ♣ K J 10	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ A J ♥ J 7 3 ♦ 7 6 3 2 ♣ 8 5 4 2
	♠ 6 2 ♥ K 10 9 4 2 ♦ Q J 8 5 ♣ 7 6	

Basic systems:

North-South play transfers after a 1NT overcall

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
			Pass
1♠	1NT	Pass	2♦(1)
Dbl	Pass (A2)	Pass	2♥
Pass	Pass	3♦	Dbl
All pass			

(1) 2♦ not alerted. W's double was for take-out

(2) The pass was alerted – denies 3 hearts.

Result at table:

3♦ x - 4 by East, NS +1100

Director first called:

At end of auction

Director's statement of facts:

E asked after the alert and was told 'denies 3 hearts'. 'Why are hearts relevant?' 'Because 2♦ was a transfer' (South). There was general merriment at the table and E argues that since the double showed diamonds he was merely competing. The TD was also concerned that he had not been called as soon as the irregularity became apparent.

Director's ruling:

Split score assigned:

Score assigned for N/S: 2♥ - 1 by South, NS -50

Score assigned for E/W: result stands

Details of ruling:

The TD considers that E, being fully aware that 2♦ was a transfer but W's double had been made in the belief that it was natural, had acted frivolously. He vehemently denies this. (L21)

Note by editor:

Under the 1997 Laws (which this appeal was) redress is not given at all to a non-offending side who commits 'wild or gambling action' after the infraction.

Appeal lodged by:

Both sides

Appeals Committee decision:

Score assigned for both sides:

2♥ - 1 by North, NS -50

Both deposits returned

Appeals Committee's comments:

Failure to alert 2♦ by N and explanation subsequently supplied by South resulted in misinformation under Law 21 which states 'the quality of the contract is irrelevant, the pair is damaged if it is judged they would have got a better score in the contract they might have reached without the misinformation'.

Good decision by AC:

Barry Rigal's comments:

Complex case but correct decision. Was East at fault in failing to work out what West had done? Yes maybe but not to a degree that robbed him of protection from the failure to alert.

Heather Dhondy's comments:

I agree with the AC. The misinformation has confused East into believing his partner's double meant something different. I have no sympathy for N/S.

Good decision by TD:

Robin Barker's comments:

I understand the TD not adjusting the score for E/W when they did not call the TD when the failure to alert 2D became apparent.

Tim Rees' comments:

I think the TD got this completely correct, then the AC made a poor decision to overturn his ruling. East's actions, opposite a partner who has shown a shortage in diamonds, are wild, gambling, frivolous and any other adjective you'd care to mention. He fully deserves to keep his -1100.

N/S shouldn't gain from their infraction, so they get 2♥-1, as ruled by the TD.

Bob Schwartz's comments:

TD got it perfect.

How can East argue that the x showed Diamonds? If 2D was natural as West assumed at the time—then the x is takeout for the other suits and East has lost his mind by bidding 3D. The 3D bid is beyond a failure to continue to play bridge—something that seems to have been entirely missed by the AC. If the word “egregious” needs definition—3D should fit the bill. South is absolutely correct in alerting the pass as denying 3 hearts—he must assume that 2D was alerted properly. E/W—especially E keep their score—they earned it. N/S should play in 2H -1 (-50). The failure to call the TD in a timely manner as required by law is as usual a mitigating factor.

Eric Landau's comments:

This is the worst decision in the set. The director understood the reality of the situation (see "Details of ruling") which the committee ignored. You don't get redress just because an opponent committed the technical infraction of speaking misinformation unless you actually wind up misinformed, and this East knew exactly what the situation was when he bid 3D. The committee should have reinstated the table result for both sides, kept E-W's deposit, and warned East against taking such obvious double shots in the future. Contrast this with case #2, where the committee did the right thing in far less clear-cut circumstances.

Jens Brix Christiansen's comments:

East's bid is obviously in the wild or gambling category. East seems to know that West's double must have been for take-out, yet he bids as if West was not misinformed. This is a clear argument for denying E/W redress when the score is adjusted. However, when North hears South's explanation of his pass, North now knows that South intended his 2D to show hearts. Unless North is firmly convinced that South has misbid, North will now realize that 2D should have been alerted, and North is therefore obliged under the 1997 Law 75D1 to call the director at once. Had he done so, the director would have allowed West to change his call, and the misinformation would have been resolved. This is a clear argument for denying E/W redress. The choice is difficult, but I would have supported the director's approach here.

Side note: The AC seems to have quoted a commentary on the laws rather than the laws themselves in their comments.

Nakatani Tadayoshi's comments:

I think TD got the situation right and AC erred. The auction clearly suggests, in my opinion, that West's Double is a take-out of Diamond and I believe East's 3D is egregious enough as to cut the infraction and remedy.

If I remember correctly, the quote by AC that ‘the quality of the contract is irrelevant, the pair is damaged if it is judged they would have got a better score in the contract they might have reached without the misinformation’ is not for this situation, but for the case where, after MI, non-offending side reaches a superior contract of 5C which fails due to bad break when an inferior contract of 3NT, which they would have bit without a MI, will succeed.

Richard Hills' comments:

The Director gave a legal ruling under the old 1997 Lawbook still in effect (a 1997 Law 12C3 'equity' split score). However, if the new 2007 Lawbook had been in effect, the Director's ruling would have been illegal under 2007 Law 12C1(b):

'If, subsequent to the irregularity, the non-offending side has contributed to its own damage by a serious error (unrelated to the infraction)...

Yes, East made a serious error but No, East's error was not unrelated to the infraction. If North had given a timely alert of the transfer-to-hearts 2D, then West would never have made a takeout double of the unalerted and so 'natural' 2D, thus East would never have had an excuse to misunderstand West's double via a 3D balance.

The TD was nearly right:

Frances Hinden's comments:

If MI comes to light part-way through the auction, are you allowed to know that partner's earlier calls were made with MI? The TD ruled that East should know that partner thought 2♦ was natural. I cannot see anything in Law 16 that makes this information authorised so I agree that East was technically correct to assume that West had diamonds. However, when the 'general merriment' occurred it was clear that there had been an irregularity (either 2♦ should have been alerted or the pass not alerted) and both sides should have called the TD. The TD would have discovered the N/S agreement was that 2♦ was a transfer, West would have been allowed to take her double back, North (still thinking 2♦ natural) would pass and the final contract would be 2♦ making, 2♠ one or two off, or 3♦ one off if South (thinking partner deliberately passed a transfer) competes in diamonds over a 2♠ bid from East. Knowing that both pairs are very experienced I would rule that E/W lost their right to redress by not calling the TD at the proper time and they keep their -1100. N/S also offended and I give them -50 in 3♦ (under Law 12A3).

Jeffrey Allerton's comments:

I strongly disagree with the TD's comment that "East, being fully aware that 2♦ was a transfer but West's double had been made in the belief that it was natural, had acted frivolously". On the contrary, the double of a transfer shows diamonds and East had carefully avoided taking advantage of the unauthorised information that West had failed to query the lack of alert before she doubled 2♦.

However, all four players were at fault slightly earlier in the auction. At the point where South explained that 2♦ showed hearts, it became apparent that North had failed to alert a conventional bid. Attention had been drawn to an irregularity and all four players were responsible for calling the TD - Law 9B1(a). Thus the TD should consider the damage caused by *this* irregularity and adjust using (1997) Laws 12A1/12C2, both sides being offending for this purpose.

Had the TD been called at the proper time, West would have been allowed to change her call and would have chosen pass; then the final contract would have been 2♥ - 1 by North (I understand that N/S were a regular partnership; North knew 2♥ to be a transfer but had just forgotten to alert), This is the "most unfavourable result that was at all probable" for N/S, so that is the score assigned to them.

Meanwhile, E/W's failure to call the TD has denied West the opportunity to change her call. Hence the "most unfavourable result that was at all probable" for E/W is the table result.

Hence I agree with the TD's split ruling.

Paul Lamford's comments:

This was discussed at some length on IBLF and I think that the failure to call the director at the right time could deny East-West redress. That time was when South stated that 2D had been a transfer and it had not been alerted. I disagreed strongly that 3D was frivolous, although it would need to be wild or gambling for a split score to be awarded.

The laws state:

*[9B] 1. (a) The Director should be summoned at once when attention is drawn to an irregularity.
(b) Any player, including dummy, may summon the Director after attention has been drawn to an irregularity.*

But the judgement as to whether failing to follow 9B1(a) is enough to deny redress is a value judgement for the TD and AC. It would seem that they did not consider the point however, and in this they were wrong.

Keep the money: all the money!

David Stevenson's comments:

Despite the AC's pronouncement, E/W should be denied redress if they committed 'wild or gambling' action after the infraction. The TD's view was that West knew exactly what was going on and tried a gambling pass. I think this correct since he had doubled 2♦ with a singleton diamond: now he knew 2♦ was a transfer and allowed the contract to be played in 3♦. So I believe the AC was wrong.

To be honest, it is not immediately apparent what case N/S had for appealing. Did they believe 3♦ doubled would have been reached even if 2♦ had been alerted? It looks another frivolous appeal, and I would not be totally averse to keeping both deposits, since the TD's ruling looks perfectly correct and clear.

Final summary by editor:

With one dissenting voice it is agreed that both sides should get a bad score. There is some doubt over the actual approach of the TD.

APPEAL No 10: An improving five-count

08.017 Grand Masters Pairs

Tournament Director:

David Stevenson

Appeals Committee:

Geoff Wolfarth (Chairman), Eddie Lucioni, Richard Pike

Butler Pairs Board no 17 Dealer N None vulnerable	♠ 6 2 ♥ 5 ♦ 10 3 ♣ A Q 10 8 5 4 3 2	
♠ Q J 10 8 4 3 ♥ K ♦ K Q 8 5 ♣ K 7	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ 9 7 5 ♥ J 10 8 6 4 ♦ A 9 7 6 4 ♣ none
	♠ A K ♥ A Q 9 7 3 2 ♦ J 2 ♣ J 9 6	

Basic systems:

North-South play natural

East-West play natural

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
	4♣	Pass	5♣
Pass(1)	Pass	Dbl	Pass
5♠	Pass	Pass	Dbl
All pass			

(1) Alleged hesitation

Result at table:

5♠x ✓ by West, NS -650, lead ♣A

Director first called:

At end of next board

Director's statement of facts:

Before passing W asked if 5♣ showed several aces: this was understood to be a joke. It was alleged he paused as well: when asked whether he thought W replied that he did think some time before passing. E said she would always double on this sequence.

Director's ruling:

Score assigned for both sides (Law 12C3):

40% of 5♣✓ by N; NS +400
+ 60% of 5♣ - 1 by N, NS -50.

Details of ruling:

There was a break in tempo before W's pass. E's double was not evident: pass is a logical alternative. Thus double is disallowed. (L16A, 12C3)

Appeal lodged by:

East-West

Basis of appeal:

Double is automatic for East.

Director's comments:

Consideration given to whether N/S defence to 5♠x was bad enough to be considered 'wild or gambling'. Decided not. Defence ♣A ruffed, trump to king, trump ace, club.

Appeals Committee decision:

Director's ruling upheld
Deposit forfeited

Appeals Committee's comments:

Break in tempo established. No E would bid as E did. A clear anti percentage action. Frivolous appeal unanimously agreed.

Should be a PP, but certainly right to keep the deposit.

David Stevenson's comments:

After this ruling I was asked why I did not give East a PP as well since she was a Grand Master. I consider both the AC and myself erred in not doing so.

Jeffrey Allerton's comments:

I agree with the TD's decision to disallow East's double and with the AC's decision to retain the deposit.

In view of the AC's assessment of the situation: "No E would bid as E did. A clear anti percentage action.", there is one thing missing from the ruling. Far from "carefully avoiding taking any advantage" of the UI, as Law 73C requires, East seems to have gone out of her way to take advantage. For a player experienced enough to be playing in the Grand Masters Pairs, a hefty procedural penalty was indicated; would 12 imps (4 x standard penalty) be enough? If anyone considers that 12 imps might sound too harsh, I would point out that East's illegal action stood to gain up to 14 imps had N/S not called the TD.

The TD's comment about considering whether the defence had been 'wild or gambling' is a red herring; the EBU White Book (section 90.4.5) explains that "'wild or gambling action' does not include defensive errors in a contract the non-offenders should not have been defending".

Barry Rigal's comments:

I'm not going to look at the weighting. A perfect decision bar the procedural penalty due to East to try to encourage her not to do it again – and to know that the police are on the lookout for her. A Grandmaster no less; was that how she got the points?

Correct to keep the deposit, but should give a PP, and the weighting may be wrong.

Frances Hinden's comments:

Absolutely correct to keep the deposit. As East is a Grand Master and has clearly breached Law 73C I would also give E/W a hefty procedural penalty. The play in 5♣ is extremely interesting but overall N/S should get more than 40% of 11 tricks.

Paul Lamford's comments:

I would be imposing an additional procedural penalty on East-West here, as well as retaining the deposit. In addition I would survey a number of Easts to see what they lead after (4C) – Pass – (5C) – All Pass. I tried to do a simulation on it which made the JH a clear winner, with a spade second and the ace of diamonds a distant third, although an eminent member of IBLF thought the AD was obvious. Deep Finesse unerringly fishes it out as well.

My guess is 75% of 5C = and 25% of 5C – 1 as the weighted score.

Correct to keep the deposit, but the weighting may be wrong.

Nakatani Tadayoshi's comments:

Good decision by TD and AC. One thing I would like to point out is that I would give more percentage to 5C by N; NS +400, say at least 50%.

Correct to keep the deposit.

Bob Schwartz's comments:

An appalling waste of time. If this deposit had been returned my comments would have had to have been censored.

Heather Dhondy's comments:

I agree with the A/C. There is no case for allowing the double by East.

Jens Brix Christiansen's comments:

Deposit? No return! I concur.

Richard Hills' comments:

Deposit forfeited. Hear! Hear!

Robin Barker's comments:

No problem with TD and AC ruling, or retention of the deposit. I am not sure why the TD had to consider the quality of the defence to 5SX when EBU White Book 90.4.5 says:

'Wild or gambling action' is action markedly worse than bad bridge, and does not include defensive errors in a contract the non-offenders should not have been defending.

Tim Rees' comments:

West's hesitation was agreed, so the sole basis for the appeal was that East's double was automatic. In other words, that pass was not a logical alternative. That is clearly not the case (most people would pass East's hand on this auction). Therefore, the retention of the deposit was correct.

EBU Laws and Ethics Committee's comments:

East's double was a gross use of unauthorised information and the correct decision was made to keep the deposit.

Final summary by editor:

A unanimous view to keep the deposit. Several thought a PP should have also been given, and there were some worries about the actual weighting.

There was also a question about denying redress for 'wild or gambling action'. This is well known as a disagreement over the intention of this bit of the White Book, which has now been cleared up. The new White Book due in 2010 will clarify that such errors can be used to reduce rectification, but only in exceptional cases.

APPEAL No 11: Lucas or Weak?

08.024 Shapiro Spring Foursomes

Tournament Director:

Robin Barker

Appeals Committee:

Chris Dixon (Chairman), Roger Bryant, Patrick Jourdain

IMP KO Board no 30 Dealer E None vulnerable	♠ 10 4 ♥ K 2 ♦ A J 10 6 3 2 ♣ Q 5 3	
♠ Q 6 ♥ Q 10 7 6 ♦ K 9 8 4 ♣ K J 2	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ A K 9 5 2 ♥ 9 4 ♦ Q 5 ♣ 10 7 6 4
	♠ J 8 7 3 ♥ A J 8 5 3 ♦ 7 ♣ A 9 8	

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
		2♠(1)	Pass
Pass	3♦	Pass	3♥
Pass	3NT (2)	All pass	

(1) Announced as weak

(2) Corrected to Lucas 5♠ and 4+minor, weak

Result at table:

3NT - 3 by North, NS -150, lead ♣4

Director first called:

At point (2) – see auction.

Director's statement of facts:

The TD was called by N before 3NT. W had corrected the announcement 'weak' of 2♠ to Lucas (5♠ and 4+minor, weak). The TD offered S the chance to change 3♥, he declined. The auction continued; E led a club. At the end of the hand N wanted a ruling.

- 1) Weak 2♠ changed to Lucas 2♠ might change his marginal overcall.
- 2) E has UI from the fact that partner passed 2♠ thinking it was weak. This suggests not leading a spade.

Director's ruling:

Table result stands

Details of ruling:

- 1) Overcall not affected by weak v Lucas.
- 2) E has UI which suggests a club lead, but a spade lead is equally good.

Appeal lodged by:

North-South

Comments by North-South:

3♦ overcall is very borderline. Would not have done so if known to be Lucas. Also defence on a spade lead might have led to down 2.

Comments by East-West:

3♦ is normal bid by N (identical in other room). Club lead is automatic because of N's 3NT bid.

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

3♦ is normal, not affected by misinformation.

3NT – 3 likely outcome even on spade lead as club switch is normal.

Keep the money:

Barry Rigal's comments:

This is the sort of appeal that deserves to be stamped down very hard. N/S know very well that the nature of the opening is absolutely irrelevant. The 3D call is equally attractive over both bids; equally they can see the lead was irrelevant to the chances of 3NT. Take the money and try to teach them a lesson.

Bob Schwartz's comments:

An appalling waste of time. Since THIS deposit WAS returned-please consider my comments as censored.

David Stevenson's comments:

In appeal after appeal I see no merit whatever. While some people think monetary deposits are ineffective, any form of controlling frivolous appeals is ineffective if the ACs do not rule them frivolous.

Paul Lamford's comments:

The original ruling and AC decision are fine; how can it be right to return this deposit?

Agree with AC:

Heather Dhondy's comments:

I agree. Weak v Lucas is not going to affect the normal 3D protection.

Jeffrey Allerton's comments:

I agree with the TD and the AC.

Nakatani Tadayoshi's comments:

Good decision by TD and AC.

Number of tricks?

Frances Hinden's comments:

There is interest in the play on a spade lead and continuation, so right not to keep the deposit if the difference between 6 and 7 tricks mattered.

A small adjustment is correct:

Richard Hills' comments:

North-South were told trivial MI, which anyhow was very quickly corrected. But yes, the appellants do have a UI case, since East illegally knows that, on average, West will hold fewer spades than one would normally expect for a pass of a Lucas 2S.

So if I was the Director, I would rule that East must initially lead the non-suggested logical alternative of a spade (Law 16B), and I would rule that East would not necessarily later switch to a club, and I would rule that declarer would not necessarily be down three for -150 but some of the time down two for -100 instead.

So my weighted ruling is:

60% of 3NT -3 by South, -150

40% of 3NT -2 by South, -100

Robin Barker's comments:

I am not sure I got this right (as the TD). 3NT-3 is likely on a spade lead, but perhaps not certain. Perhaps the TD and the AC should have assigned some percentage of 3NT-2, as well as 3NT-3.

Tim Rees' comments:

This appeal had two parts. The AC rightly rejected the first part, that North's bid was affected by the explanation. There is little (if any) difference between a Lucas 2 and a weak 2, when a player is considering overcalling.

The second part of the appeal has more merit. East has UI from the incorrect explanation. After a correct explanation, East would have an expectation of some spade support opposite. With the incorrect explanation, West might have had club length, and East should be careful not to take advantage of that. His comment that a club lead is automatic is self-serving, especially as North was told that East was likely to have spades and clubs before he bid 3NT.

Therefore, I would adjust the contract to 3NT on a ♠x lead. Most lines seem to lead to -3, so I won't quibble with the TD's ruling. However, the AC says that -3 is the likely outcome. If that is the case, then they should be assigning a weighted score to reflect the chance of -2.

Final summary by editor:

While the majority agree with the decision, or even keep the deposit, there is an alternative view based on East's UI.

APPEAL No 12: My spade holding is a bit poor

08.025 Spring Bank Holiday Congress

Tournament Director:

Kathy Williams

Appeals Committee:

Michael Byrne (Chairman), Anthony Whiteway, Andrew Thompson

MPs to VPs Board no 18 Dealer E NS vulnerable	♠ 9 8 7 6 4 ♥ A 2 ♦ A J 6 5 3 ♣ A										
♠ none ♥ Q 10 7 ♦ K 10 2 ♣ K 10 7 6 4 3 2	<table style="margin: auto; border: none;"> <tr><td></td><td style="text-align: center;"><i>N</i></td><td></td></tr> <tr><td style="text-align: center;"><i>W</i></td><td></td><td style="text-align: center;"><i>E</i></td></tr> <tr><td></td><td style="text-align: center;"><i>S</i></td><td></td></tr> </table>		<i>N</i>		<i>W</i>		<i>E</i>		<i>S</i>		♠ A 10 5 2 ♥ K J 6 4 3 ♦ 8 7 4 ♣ 8
	<i>N</i>										
<i>W</i>		<i>E</i>									
	<i>S</i>										
	♠ K Q J 3 ♥ 9 8 5 ♦ Q 9 ♣ Q J 9 5										

WEST	NORTH	EAST	SOUTH
		Pass	Pass
1NT	2♦(A1)	2♥	3♠
Pass	4♠	Dbl (2)	Pass
4NT	All pass		

- (1) Astro
- (2) Slow double – agreed.

Result at table:

4NT - 4 by West, NS +200

Director first called:

At end of auction

Director’s statement of facts:

The TD was called at end of auction by S to reserve rights because of slow double. The TD was called back to look at hand at end of play. N felt the slow double had induced W to bid again.

Director's ruling:

Score assigned for both sides (Law 12C3):

50% of 5♥x – 4 by East, NS +800
+ 50% of 4♠✓by South, NS +620

Details of ruling:

UI (L16A)

Appeal lodged by:

East-West

Basis of appeal:

Double of 4♠ was slow; 4NT take out.

Comments by East-West:

We do not agree that pass is a LA – partner has bid a non-forcing and terminal 2♥ over 2♦. I have the authorised information that I have psyched and I am at favourable vulnerability. Even with 2 trump tricks for partner there is unlikely to be any defence to 4♠x.

Further, the opponent's pass of 4NT is wild and gambling and shows the desire to achieve a double-shot. The other point is that 4NT isn't demonstrably suggested over 5♥ by the UI.

Appeals Committee decision:

Score assigned for both sides:

50% of 4♠✓by South, NS +620
+ 50% of 4NT – 4 by West, NS +200

Deposit returned

Appeals Committee's comments:

W's removal of 4♠x is reasonable and consistent with his earlier actions. N/S have not taken a double shot but were victims of a psyche that was exposed to E/W and not N/S (caused by the hesitation).

Everything was handled sensibly by the TD and appellants.

No case for any adjustment:

Barry Rigal's comments:

Why did the table result of 4NT down four not stand? West psyched and could not stand the heat; his partner's tempo was absolutely irrelevant. If it worked and East did not field the psyche then kudos to East-West and they keep their top...this time.

Bob Schwartz's comments:

A very effective psyche that was put in jeopardy by a slow x. The slow x, however, did not affect West's call. How can the AC say that the 4NT pull was reasonable and consistent with West's earlier actions-and then say 50% of 4S x???? This makes absolutely no sense. How can North with 3 aces—not double 4NT when partner has bid 3S? N/S have stopped playing bridge—and deserve their result. If the TD had ruled properly and N/S had to appeal they would forfeit their deposit (unless heard by same committee as case # 11).

David Stevenson's comments:

Finally! An appeal with merit!

The AC say that West's removal of the double of 4♠ was reasonable – so why did they adjust the score? Table result stands: no infraction.

Paul Lamford's comments:

I was West on this hand, and Stefanie Rohan East. She thought the psyche was not sufficiently exposed so ethically elected to double. I considered that, as my partner had bid a non-forcing 2H and not doubled 2D (which showed spades and another, anchoring to the weaker major), prospects of defeating 4S on the authorised auction were almost non-existent. It is always possible to construct hands where it is beaten, but the holding of such hands is not demonstrably suggested by the slow double.

The adviser at the event thought the decision to impose Pass was a grossly inappropriate hand evaluation. I agreed, and also regarded the Pass of 4NT by South as a clear WoG action, and again the adviser agreed. The opponents were prepared to play in 2H a short time ago, and your partner has bid a vulnerable game to make. And bidding 4NT is not “more successful” than passing, a requirement for it to be removed. Both landing spots, 5C and 5H, can be taken for 800 fairly easily.

Tim Rees' comments:

Oh dear! This is a poor use of Law 12C3, which can bring it into disrepute. The TD seems to be using it to try to restore equity, without explaining how the elements of the score are achieved.

Here, the potential infraction was West's removal of the double. Therefore, 4♠ undoubled cannot be part of the adjusted score. Also, how can 5♥* be part of the adjusted score, when the auction ended in 4NT? If the TD thought that East's hesitation suggested 4NT rather than 5♥, or that East was in receipt of UI that stopped him passing 4NT, then she should have explained this as part of the ruling.

The AC has picked up one of these (changing 5♥ to 4NT), but has not picked up the other (that the double of 4♠ had already occurred). The other thing they have done wrong is to say that West's 4NT is reasonable. Either it is automatic (in the sense that pass is not a logical alternative) or it is not. In the first case, the table result should stand; in the second case, the removal of 4♠* is disallowed and the result is changed to 4♠*=. Law 12C3 caters for uncertainty after the infraction, and the disallowed action should not make up any part of the weightings.

Here, I believe that pass is not a logical alternative for West. As he says, he knows that he has psyched, and that East has signed off in 2♥. At least 70% of players would remove the double, meaning that (under the old Laws), pass is not a logical alternative. As I don't see that the hesitation suggests that 4NT is going to be more successful than 5♣ or 5♥, I would allow the 4NT bid and let the table result stand.

The AC's comment that the hesitation exposed the psyche to E/W but not N/S is wrong. West already knew he'd psyched, and his removal of the double alerted the rest of the table to this fact.

Simple alternatives complicated unnecessarily by the TD and AC:

Eric Landau's comments:

Where on Earth did those odd scores come from? (50% of +620, when there was no infraction until 4S had already been doubled?) This should be as simple and straightforward as UI cases get. East doubled 4S and West, in possession of unauthorized information suggesting a pull, pulled. Either passing 4SX was a logical alternative to bidding 4NT -- adjust to 4SX, NS +790, for both sides -- or it wasn't -- table result stands. Why make it any more complicated than that?

Jens Brix Christiansen's comments:

When the AC adjusts the score, they have ruled that West's 4NT is an infraction. Still, they award N/S 50% of an inferior score that can only be reached via West's infraction and 50% of an inferior score that was impossible at the time of the infraction (East had already doubled 4S at that point). In this way, the AC is not redressing the damage completely. The assigned scores with weights can be used to incorporate different possible outcomes based on the situation immediately before the infraction, but they should not be used to award only partial redress. Once the AC has ruled that 4NT is an infraction, I believe the logical consequence is to adjust the score based on 4Sx only (10 tricks, NS +790).

The TD ruled that a contract of 5H was a likely outcome on the hand. This is a bit more tricky, since 5H presumably would be an infraction too (indicated by the slow double over the logical alternative of passing 4Sx), but it is an infraction that damages the offender. Still, I would prefer not to include the possibility of a contract of 5H in the assigned score.

On a different note, although I see a case for ruling that passing 4Sx is a logical alternative for West, that point of the ruling is not clear cut to me.

Richard Hills' comments:

Julian Huxley (1887-1975):

'Operationally, God is beginning to resemble not a ruler but the last fading smile of a cosmic Cheshire cat.'

Director's Cheshire cat adjustment:

50% of 5Hx East-West, +800 N/S / -800 E/W
50% of 4S North-South, +620 N/S / -620 E/W

Appeals Committee's Cheshire cat adjustment:

50% of 4NT East-West, +200 N/S / -200 E/W
50% of 4S North-South, +620 N/S / -620 E/W

'Well! I've often seen a double without 4S," thought Alice; 'but 4S without a double! It's the most curious thing I ever saw in all my life!'

Yes, *if* West's 4NT was an infraction of Law 73C, *then* that hypothetical infraction occurred *after* East's double of 4S, *so* an undoubled 4S contract should *never* be part of the Director's nor the Appeals Committee's Law 12 rectification.

Heather Dhondy's comments:

I don't understand why any % of 4S undoubled is awarded. Shouldn't it be 50% of 790? Without knowing the NT range it is harder to comment, but I am surprised that the double was slow – it looks a fair penalty double to me, but normal for West to remove. Can't see the case for a split score, either removing is ok or it isn't.

A simple adjustment:

Frances Hinden's comments:

Both the TD and AC rulings are technically wrong: no percentage of 4♠ undoubled can be included in any adjustment as the potential infraction came after the double of 4♠. This ruling was appealed to the L&E; as preparation for the hearing I carried out a poll. Each pollee gave their answer in isolation and without knowing the full hand. Those asked were (in my opinion) all of a similar or higher standard than the West player, and excluded anyone who objects to psyches. Out of 15 people polled, 6 passed, 8 bid 5♣ and 1 abstained. I conclude that pass is a LA, and thus a ruling of 4♠x making 10 tricks is appropriate. Passing out 4NT is bad bridge, not wild or gambling.

Jeffrey Allerton's comments:

Does the Chief TD review the legality of rulings before they are heard by an AC? If pass is not a logical alternative then the table result should stand (as 4NT is not demonstrably suggested over any other pull by the UD). If pass is a logical alternative then the only outcomes permitted in the weighted assigned score must be ones starting with West passing 4♠x. The award of a weighting to 4♠ undoubled is particularly curious, as 4♠ had already been doubled before the alleged infraction.

A poll concluded that pass is a logical alternative for West, suggesting that the correct ruling is to adjust to 4♠x (S)=, N/S +790 for both sides.

Robin Barker's comments:

This is an unauthorised information ruling and adjusted under Law 12C3. In the EBU we adjust to outcomes that arise if the player in receipt takes action not suggested by the unauthorised information, we do not consider outcomes where the slow action (for example) does not happen. So I do not think it can be right to include 50% 4S= (undoubled) in either TD or AC rulings. Surely West's best chance of a good score is to pass 4SX, so I think Pass is a logical alternative to 4NT and would adjust to 4SX=.

Support for the AC:

Nakatani Tadayoshi's comments:

AC's decision is well reasoned.

Final summary by editor:

The simple question for the ruling is whether Pass was an LA for West, and if so was it suggested over 4NT by the slow double. Different views are expressed. However, with one dissenting vote, it was felt that the weighted scores by the TD and AC were not well-thought-out, being illegal, unnecessary or just wrong.

National Authority (EBU Laws and Ethics Committee) decision:

E/W further appealed to the National Authority.

Score assigned for both sides:

4♠ doubled ✓ by South, NS +790

Deposit returned

National Authority's comments:

Should the appeal be heard?

The Committee considered the four tests in the Orange Book Section 8B4 as to whether the Appeal to the National Authority could be heard. The Committee found that under clause b) there had been an error in the application of Law or Regulation.

In such a case as this where a player provides partner with unauthorised information that player may not choose from among logical alternative actions one that could demonstrably have been suggested over another by the extraneous information. (The 1997 Laws of Duplicate Contract Bridge were in force for this case.)

In this case the action that provided the unauthorised information was East's slow double.

When making a ruling in a case such as this the TD and the Appeals Committee should have considered whether the 4NT bid is allowed after the slow double or not. It is not permitted under EBU regulations to allow 4NT to be bid a percentage of the time and not in others. To rule that it can be used a percentage of the time is to give what is known as a 'Reveley Ruling'.

Consequently it was agreed to allow the appeal to be heard and the deposit was returned.

The Committee's decision

Having decided to hear the case, the Committee considered the matter afresh using all the information provided by the parties.

Committee members were reminded that it was using the unauthorised information that was the infraction, not the creation of it. So the committee's attention was drawn to West's 4NT bid. Either the 4NT bid was permitted or it was not. No other ruling was possible.

The Committee considered whether passing 4♠x constituted a logical alternative action and concluded that it was because of the percentage likelihood of 4♠x going down.

Next the Committee considered how the play in 4♠x might go and concluded that declarer would always make 10 tricks, losing two spades and a heart.

Consequently the board was rescored as 4♠x making 10 tricks by South although it is not intended to rescore the match result.

APPEAL No 13: Unauthorised Panic

08.027 Spring Bank Holiday Congress

Tournament Director:

Andrew Kambites

Appeals Committee:

Steve Gore (Chairman), Malcolm Pryor, Paul Denning

IMPs to VPs Board no 6 Dealer E EW vulnerable	♠ 9 2 ♥ K 6 5 4 2 ♦ J ♣ 10 8 5 3 2	
♠ J 10 8 7 6 ♥ A 10 7 3 ♦ K Q 7 ♣ 9	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ A Q 3 ♥ Q J 9 8 ♦ A 4 3 2 ♣ Q 4
	♠ K 5 4 ♥ none ♦ 10 9 8 6 5 ♣ A K J 7 6	

Basic systems:

East-West play strong club

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
		1NT	Dbl (1)
2♥ (2)	3♣	3♥	Pass
3♠	All pass		

(1) 1NT = 15-17, double was for minors.

(2) Not alerted. W meant it as transfer because they normally play transfers over double of 1NT.

Result at table:

3♠✓ by West, NS -140

Director first called:

At end of hand

Director's statement of facts:

But they never discussed it if double was conventional (W said this later)

N asked and was told 'undiscussed' by E.

On discussion after N said that W had UI because of failure to alert 2♥ and the answer to N's question. I asked W why he bid 3♠ - he said he had to make a game try opposite a strong NT.

Director's ruling:

Table result stands

Details of ruling:

W has UI but it is hard to see how it leads to 3♠ - W surely knows of a 4-4 heart fit and a more normal action would be to bid 4♥. My impression is that E/W were floundering about in an unfamiliar situation caused by a non-penalty double that they were not used to.

Appeal lodged by:

North-South

Director's comments:

The TD would comment that the 3♠ bid doesn't make much sense with or without UI – the auction suggests 4♥ (if 3♥ is meant as super-accept of S then E will convert 4♥ to 4♠). The UI doesn't alter that and that the only reason spades plays better than hearts is because the heart break is 5-0 which W couldn't have known. W could equally be using UI to pass 3♥ if 3♥ accepted spades in system but was meant as natural.

Comments by North-South:

- 1) As TD has stated if W believed E had hearts then 4♥ would seem normal. If 3♥ is conventional agreeing spades then 4♠ presumably (see 4).
- 2) If E had alerted 2♥ as spades then his 3♥ bid would presumably show 5 hearts, W would presumably raise to 4♥ (see 4).
- 3) It is possible that W thought that E had misunderstood his partner's 2♥ bid and had UI. Consequently ignoring the implied heart fit to bid 3♠.
- 4) I do not understand E/W comments stating that 3♠ is a game try over 3♥ - what would be the bid 'to play at the lowest level'. Following this line 3♥ should have been the try followed by 4♠.

Comments by East-West:

W has UI that E has not simply forgotten to alert. Therefore W should ignore this and assume 3♥ agrees spades with a heart feature, as it would over a penalty double or if uncontested. 3♠ is a game try. Should maybe have alerted 3♥ but this gives partner UI and as we said this is undiscussed over the double showing minors so didn't really know what was going on.

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

We believe W made his 3♠ bid in line with their systematic understandings and took a very pessimistic view of the hand, which turned out to be correct. We agree with the director's assessment that the potential UI was not a factor.

Should be some sort of adjustment:

Barry Rigal's comments:

It looks to me as if West used UI and fell on his feet. In situations of this sort where he is clearly worth a game call I'd simply adjust to 4H or 4S and take it from there.

Paul Lamford's comments:

A poor effort by the TD and AC, correctly criticised by the L&E. West's selection of 3S is not "carefully avoiding taking advantage of the UP". If his partner has a break for spades with hearts, he is closer to a slam try than signing off in 3S. There were arguments on IBLF that 3S was "super ethical" but they seemed unconvincing. Blind panic does seem more likely. And I don't buy the "pessimistic view of the hand".

Richard Hills' comments:

North-South assert that they do not understand the East-West comments, and North-South also suggest lots of excellent sequences whereby East-West could have superbly bid to an unlucky game.

Grattan Endicott (Laws Drafting Committee Coordinator), May 2004:

An interesting thought. I have not seen, as far as I recall, a regulation in any competition that actually says 'It is forbidden to play inferior bridge'.

Tim Rees' comments:

I think the TD and AC were guilty of muddled thinking here. The question they need to ask is what West would have done with no UI (i.e. East alerted 2♥ and explained it as spades). East's 3♥ is now a game try in spades, which West would clearly accept.

The TD and AC have also queried how the UI leads to 3♠. That's straightforward – the UI tells West that there is confusion over what trumps are. It's not clear they have an 8-card fit in either major, so West is trying to get out alive by bidding his longest suit. The UI increases the risk of going off at the 4 level (if West picks the wrong trump suit).

E/W deserve to be shot!

Bob Schwartz's comments:

I do not buy W's explanation that 3S was a game try if 3H showed spades---what would a non-game try be???? 4S? 3S is clearly a signoff in Spades and is a blatant misuse of the failure to alert. All four points made by N/S were well-reasoned and I don't understand why the AC rejected every one of them.

TD made a poor ruling. AC made a ridiculous one-given the N/S points. E/W got away with not only misusing the procedure but avoided a well deserved procedural penalty.

The logic was wrong but the result was right:

David Stevenson's comments:

When players make a bid which they intend as artificial, and partner describes it to mean something else, there is a very common instinctive reaction to bid their longest suit at the lowest level. This is illegal, of course, because they are using the UI. In this case, the UI suggests bidding 3♠ over any LA because that is 'Unauthorised Panic': players just do it.

But is there damage? If West makes the ethical bid of 4♥ it looks as though it makes! So I believe table result stands is the correct decision even though the AC got the reason wrong.

Frances Hinden's comments:

We must not rule against E/W whatever West bids: he must have some legal alternatives. If West bid 4♥ which made with 4♠ going off, I can see N/S saying that was suggested by the UI ('why not bid game in the known 9-card fit?'). If West bid 4♠ which made with 4♥ going off, I can see N/S saying that was suggested by the UI ('why not bid 4♥ as choice of games/retransfer'). With no UI, East's 3♥ bid sounds like a transfer break and the logical alternatives are 4♥ (whatever it means), 4♠, and 4♣ (partner could just have KQ9x KJx Ax Axxx). The UI clearly suggests 4♥ as this is now the most likely fit and West has values for game. 3♠ may indeed be a panic bid after a misunderstanding, but it also looks like an attempt to get a bad score as E/W have the values for game. If we force a 4♠ bid on West as the only call not "demonstrably suggested" by the UI, he might make it on the likely diamond lead as there is a case for starting trumps with the ace.

Good decision:

Jeffrey Allerton's comments:

An excellently-reasoned ruling by the TD, confirmed by the AC. When a player takes an apparently unusual action after receiving UI, there is a natural temptation to assume that the score has to be adjusted. However, the TD is only empowered to make an adjustment if there has been a breach of Law. Did West "choose from logical alternatives one which could demonstrably have been suggested by the UI" (Law 16A) or fail to "carefully avoid taking advantage" of the UI (Law 73C)?

Let's review the evidence. In the authorised auction, West believed (or hoped) that his 2♥ bid was a transfer to spades, so 3♥ must imply primary spade support. The UI suggests that partner may just have been raising hearts in which case he is no longer guaranteed to hold spade support. Thus the UI demonstrably suggests calls which give the partnership the opportunity of getting out of playing in the 'known' spade fit (Pass/3NT/4♥) over bids which commit the partnership to playing in spades (3♠/4♠). The UI does not suggest 3♠ over 4♠ (or vice versa). The underbid worked well here because of the unfavourable lie of the N/S major suit cards, not because of the UI.

Robin Barker's comments:

This is not an easy ruling but I agree with TD/AC, the unauthorised information does not suggest 3S.

West has unauthorised information from failure to alert 2H. Without the unauthorised information, I think 3H shows hearts and a spade fit; we don't know if 3H could be a minimum HCP. West's logical alternatives (opposite 15-17 HCP and some major suit fit) appears to be 4H and 4S; as the chosen action (3S) is not a logical alternative we still need to decide if 3S is suggested over the logical alternatives. The unauthorised information suggests East does not have spades, so suggests 4H over 3S or 4S.

It is possible that the unauthorised information suggests a marginally weaker hand because 1NT-(X)-2H[=NAT]-(3C)-3H is competitive but 1NT-(X)-2H[=S]-(3C)-3H is a game try. This suggests 3S over 4S, but this suggestion depends on the nuances of meanings of the different bids available:

1NT-(X)-2H[=NAT]-(3C)-X/3D/3H and
1NT-(X)-2H[=Spades]-(3C)-X/3D/3H/3S;

and these nuances of meaning are difficult to determine. I do not think the suggestion of 3S (or Pass) over 4H/4S is "demonstrable".

It is possible that 3S is "unauthorised panic" but it may have been an attempt to avoid taking advantage of the unauthorised information (although East might have mentioned this at appeal).

Heather Dhondy's comments:

I do not understand West's actions but I can't see how they were affected by the UI. I would allow the score to stand.

Nakatani Tadayoshi's comments:

You can make a lot of arguments looking the hands and the auction, but reading the detailed write-up by TD and AC, I respect their decision. Basically E/W was just lucky.

EBU Laws and Ethics Committee's comments:

The decision is wrong. 3♠ is 'unauthorised panic' – better bid spades because I have them. 3♠ is an illogical alternative, but it can still be adjusted against. Although wrong, it was observed that this is what players do.

Final summary by editor:

Opinion is pretty much split between those who think that West may have tried to do something illegal but was lucky, and those who think there should be an adjustment. But the latter group are not very convincing as to what the adjustment should be and why.

APPEAL No 14: Six, what six?

08.028 Spring Bank Holiday Congress

Tournament Director:

June Booty

Appeals Committee:

Jon Williams (Chairman), Andy Smith, Eddie Lucioni

MP Pairs Board no 3 Dealer S EW vulnerable	♠ Q 9 7 4 3 ♥ none ♦ A Q 8 4 3 ♣ J 10 9	
♠ 8 ♥ K Q 6 ♦ K J 9 7 2 ♣ K Q 7 6	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ A K J 10 6 5 ♥ A J 10 2 ♦ none ♣ 4 3 2
	♠ 2 ♥ 9 8 7 5 4 3 ♦ 10 6 5 ♣ A 8 5	

Basic systems:

East-West play Benji Acol, 4 card majors, 12-14 NT

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
			Pass
1♦	1♠	Pass	Pass
Dbl	Pass	Pass	2♥
Dbl	Pass	Pass(H)	Pass

Result at table:

2♥x - 4 by South, NS -800, lead ♠8

Director first called:

At end of hand

Director's statement of facts:

S believed the slow pass affected the way he played the hand. The TD ruled the result to stand because of L73D1. E had something to think about and was therefore entitled to do so. If S draws inferences from that then it is at his own risk.

Cards played:

Play	Lead	W	N	E	S
Tr1	W	♠8	♠9	♠10	♠2
Tr2	E	♥6	♠3	♠A	♥4*

* S says that without the hesitation he would have played a higher heart.

Also the TD does not feel the hesitation suggests another play of the cards.

Director's ruling:

Table result stands.

Details of ruling:

L73D1

Appeal lodged by:

North-South

Appeals Committee decision:

Director's ruling upheld

Deposit returned

No merit whatever so why return the deposit?

Barry Rigal's comments:

No reason to return the deposit. Otherwise fine.

Bob Schwartz's comments:

DEPOSIT RETURNED????? !@2!@XXYY%\$#&*^@!! Aghhhhhhhhhhhhhhhhh

David Stevenson's comments:

Back to appeals of no merit whatever. Why should not East think with his hand?

Frances Hinden's comments:

East had nothing to think about, but bidding has reached a new level of precision if the speed of a pass locates the six of hearts in one hand rather than another. There is also no way to avoid going four off whatever card is played. South has not explained why he was damaged, and hence I see no reason to return the deposit.

Jeffrey Allerton's comments:

Whilst it is a little surprising that East would think with his actual hand (assuming that double of 2♥ was penalties) it is hard to see how this would have affected South's play. What was the basis of appeal? It's hard to see one from the facts given, which puts the onus on the AC to explain why the deposit was returned.

Jens Brix Christiansen's comments:

I would not return the deposit on this one.

Nakatani Tadayoshi's comments:

Close to frivolous appeal?

Paul Lamford's comments:

I agree that declarer draws the inference at his own peril. East was presumably considering whether the penalty against the non-vulnerable opponents was sufficient; it was – but with no tricks to spare. For there to be an adjustment, it would be necessary to show both that he could have known that a BIT would benefit him, and that there would have to be no bridge reason. And I don't see how ruffing high helps declarer at all; West overruffs and it is still a trivial -800, with West returning a diamond and East ruffing and switching to a club being simplest. So, I would have retained the deposit.

Richard Hills' comments:

Forfeit the deposit! East passed 1Sx without hesitation, and West led the eight of spades (denying honour-third). This is a classic sea lawyer appeal, wasting the Appeals Committee's time.

Robin Barker's comments:

Clearly East has something to think about, might have a slam or the penalty from 2HX may be inadequate. Of course, North/South are entitled to ask for a ruling from the TD but I think the appeal is without merit.

Tim Rees' comments:

Was South able to offer a plausible explanation why the hesitation caused him to play a low heart? If not, I'd have retained the deposit.

Good decision:

Heather Dhondy's comments:

The play of the H4 was careless and not affected by the auction. I wonder why there are no comments.

EBU Laws and Ethics Committee's comments:

The Committee was shocked that the deposit had not been kept.

Final summary by editor:

Yet another complete waste of everyone's time. Why will they not keep deposits?

APPEAL No 15: How weak is intermediate?

08.051 Brighton Swiss Pairs

Note by editor:

Laws of Duplicate Bridge 2007 were in force for Appeals 15 onwards.

Tournament Director:

Marilyn Jones

Appeals Committee:

Jeffrey Allerton (Chairman), Michael Bell, Paul Fegarty

MPs to VPs Board no 26 Dealer E All vulnerable	♠ A 5 ♥ K J 10 7 3 ♦ A K 10 ♣ A J 2	
♠ 9 7 2 ♥ Q 9 2 ♦ J 9 6 5 ♣ 10 8 7	N W E S	♠ K ♥ A 8 6 ♦ Q 4 3 2 ♣ K Q 9 4 3
	♠ Q J 10 8 6 4 3 ♥ 5 4 ♦ 8 7 ♣ 6 5	

Basic systems:

North-South play strong club

East-West play Benji Acol

WEST	NORTH	EAST	SOUTH
		1♣	2♠(1)
Pass	4♠	All pass	

(1) Intermediate – no range agreement.

Result at table:

4♠ + 1 by South, lead ♣x

Director first called:

At end of hand

Director's statement of facts:

E/W felt N had made no effort to play beyond game level. N said he was aware that the points didn't add up. N said he felt his cards were wrongly placed and so bid 4♠.

Director's ruling:

Artificial score awarded:

Average minus to N/S, average plus to E/W

Details of ruling:

4♠ was a fielded misbid. Orange book 6B.

Appeal lodged by:

North-South

Comments by North-South:

Intermediate jump overcall shows 6 playing tricks, may be fairly light on high cards.

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

N's comment to the TD 'someone didn't have their bid' suggests he was catering for a psyche or misbid from partner. N could expect slam to be good opposite many hands with 6 playing tricks.

Reasonable decision:

Barry Rigal's comments:

Again the fielded misbid rule is totally unfamiliar to me; I'm not sure I see the infraction but when in Rome....

David Stevenson's comments:

Good decision, though N/S seem to have enough of a case for the deposit to be returned. If North were to be believed then there cannot be any hand which is worth slam. The basic point is that he has seen this before.

Richard Hills' comments:

See my comments on Appeal 6. But unlike Appeal 6 (where West's cards gave a vital clue), here North's fistful of honours merely tells North that someone has deviated from their announced system, but North does not know whether it is East or South. But then North successfully guessing that his partner (with well-known habits) is the culprit creates a Law 85A1 'balance of probabilities' assumption that North-South have infringed Law 40C1:

'A player may deviate from his side's announced understandings always provided that his partner has no more reason to be aware of the deviation than have the opponents. Repeated deviations lead to implicit understandings which then form part of the partnership's methods and must be disclosed in accordance with the regulations governing disclosure of system. If the Director judges there is undisclosed knowledge that has damaged the opponents he shall adjust the score and may award a procedural penalty.'

Nakatani Tadayoshi's comments:

Another case of 'fielded psych/misbid' and I do not comment as long as TD and AC are unanimous under the Orange Book regulation.

Paul Lamford's comments:

I agree with the TD and AC ruling. North has judged that East would not psyche 1C as dealer at game all, so he has viewed that his partner has forgotten the system. Red fielded misbid.

Tim Rees' comments:

South has psyched/misbid, and North has taken an action that allowed for that. Therefore, the TD and AC were correct to assign an adjusted score.

Disliking the fielded misbid approach:

Bob Schwartz's comments:

I'm sorry—there seems to be no indication that there was a hesitation or some other violation by South to indicate his hand—and North made a decision that turned out to be right (GOD forbid). Without the club lead 6S is probably a make since stiff spade king will most likely be found. If North bid 6S E/W would never be heard from. I hate this kind of a ruling. I hate E/W even trying for it. A pox on everyone involved.

Robin Barker's comments:

The TD/AC ruling is in line with current practice of the red fielded misbid regulation. But, again, I disagree with the current practice. I do not see evidence of a concealed partnership understanding; I think 4S is based on the assessment that it is more likely that players get the range of jump overcalls wrong than that East has not got an opening bid.

Accepting the fielded misbid approach but feeling it does not fit here:

Frances Hinden's comments:

I think the 'fielded misbid' adjustment can be overused when there is no evidence of UI and no potential MI-related damage. Yes, North thought the 2♠ bid suspect, but he did have a 20-count and his LHO opened vulnerable. There is no suggestion that he had any 'table action' UI or that this is a frequent partnership misbid. I would simply record the hand (in case this becomes an implicit N/S agreement) and leave the table result unchanged.

Heather Dhondy's comments:

I don't strongly disagree with North's view of his hand. The lead is coming through his hand, and his cards are poorly placed. I would allow the table result.

Final summary by editor:

The fielded misbid approach seems to be a peculiarly English view, and yet it is based on Law 40. Players develop implicit agreements, do not disclose them, and gain an advantage therefrom. This is illegal. All the English authorities have done is to make regulations to simplify the approach to evaluating and penalising these abuses.

Several of the commentators just accept the actual decision, while one or two are unhappy with the procedure. But there is a vocal minority who feel the case may have been misjudged.

APPEAL No 16: Can I protect?

08.052 Brighton Swiss Pairs

Tournament Director:

Chris Benneworth

Appeals Committee:

Frances Hinden (Chairman), Paul Lamford, Jon Williams

MPs to VPs Board no 14 Dealer E None vulnerable	♠ K 9 6 4 ♥ Q 10 4 ♦ A Q J 6 ♣ 10 3	
♠ 10 7 2 ♥ A J 5 ♦ K 2 ♣ A Q 7 5 2	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ A ♥ 8 7 6 ♦ 9 8 5 3 ♣ J 9 8 6 4
	♠ Q J 8 5 3 ♥ K 9 3 2 ♦ 10 7 4 ♣ K	

Basic systems:

North-South play Benji Acol, Astro over 1NT - 2♦ = ♠ and another
East-West play Acol 3 weak twos, weak NT

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
		Pass	Pass
1NT	Pass (H1)	Pass	2♦ (A2)
Pass	2♠	All pass	

(1) N hesitated briefly before passing (see below)

(2) 2♦ = ♠ and another

Result at table:

2♠+3 by North, NS +200, lead ♥7

Director first called:

At end of auction

Director's statement of facts:

The TD was called to the table at the end of the auction, but before the opening lead. W said that there had been a 'hitch' before N passed – explained as moving towards the bidding box, then stopping, then (after a delay) removing the pass card. Both E and W agreed that the pause was not long. S said that 'if there was a pause, it was brief'. No other comments were made. The TD was called back by W at the end of the hand and asked to make a ruling. The TD asked if anyone wished to say anything further – no-one did.

The TD ruled

a) there was a hesitation

b) the alternative call of pass was a real alternative for South.

The TD informed N/S they could, if they wished, consult an appeals adviser.

Director's ruling:

Score assigned for both sides:

1NT ✓ by West, NS -90

Details of ruling:

A hesitation occurred. Laws 84/85A

Not to choose from among logical alternatives. Law 16B1A

Appeal lodged by:

North-South

Basis of appeal:

We think E/W are trying to get away with it.

Appeals Committee decision:

Table score re-instated

Deposit returned

Appeals Committee's comments:

AC see no logical alternative to S acting in the pass out seat with 9 cards in the majors and being a passed hand.

The AC was right:

Barry Rigal's comments:

Again though it pains me to rule in favour of offenders, passing out 1NT as a passed hand is not conceivable.

Again a poll of a representative sample of players would be informative; no?

Bob Schwartz's comments:

TD got it wrong. AC got it right.

Heather Dhondy's comments:

I think it is normal to protect with the South cards so would allow the bid. I hate the N/S stated basis of appeal when it is they who have bid after a hesitation.

Robin Barker's comments:

Agree with AC.

Paul Lamford's comments:

This did not detain the AC very long. Surely even an intermediate player with the methods to do so would protect at MPs. It might be closer at IMPs, and I was tempted at the time to state to the appellants "I presume the instigator of the appeal is the one who went to bed with an ace, which is why you scored your hopeless -200", but the new EBU code on politeness prevented me being sarcastic.

No adjustment though the reason given by the AC is not right:

Jeffrey Allerton's comments:

At this vulnerability the alleged hesitation does not demonstrably suggest 2♦ over Pass. The weaker the North hand, the more likely -50/-100 is to be a good save against -90/-120 in 1NT. Hence the AC's 'no adjustment' ruling is correct, whether one sides with the TD or with the AC on the 'no logical alternative' question. In any case, the TD should have performed a poll to back up his 'Pass is a logical alternative' assertion and, if he did, should have presented the findings of his poll to the AC.

Could go either way:

David Stevenson's comments:

I cannot decide here, so I would probably poll and use the results. Generally a 9 count with 5431 is automatic, but singleton king?

The TD got it right:

Eric Landau's comments:

The director got this right, while the committee seems to have been overly influenced by the actual North hand. The notion that passing out 1NT was not a logical alternative to balancing flunks the "reverse the situation" test: If (a) North had held a six-count with 1-2 in the majors (as likely on the auction as his actual holding), and if (b) South had UI that North's hand was likely to be unsuitable (as opposed to favorable) for a balancing action and if (c) South had passed out 1NT, I'm doubtful that the committee would have adjusted the score to the result of an "imposed" balancing action with quite the same alacrity with which they allowed South to balance in the actual situation. The lesson here is that this is a useful test, and should be invoked any time a committee is considering allowing a UI-suggested action to stand on the basis of "no logical alternative".

Nakatani Tadayoshi's comments:

I feel a bit uneasy about AC's comment that passing is NOT a LA for South; with South's hand being, say, S-QJ853, H-K932, D-K74, C-10, then I could agree, but with the actual hand, I believe PASS is definitely a LA especially after an agreed BIT by partner. I think the score should be 1NT by West NS -90 as TD ruled.

Richard Hills' comments:

Director's ruling and reasoning: Yes.

Appeals Committee's ruling and reasoning: No. Merely because you are a passed hand does not mean that you miraculously gain extra values, nor does this wonderful passed hand status make your overcall of 1NT at any less risk of being doubled for -300.

Of course, all risk is removed once 'pard' thoughtfully hesitates.

For what it is worth, at the table I would always again pass at my second opportunity, assessing my singleton king of clubs as often useless offensively, but more frequently gaining a trick on defence.

Tim Rees' comments:

Once the TD has determined that there was a hesitation, the sole consideration is whether pass by South is a logical alternative. I believe that 80-90% of players would bid here, meaning that pass is not a logical alternative under the 1997 Laws and the EBU interpretation of them.

However, under the 2007 Laws, pass is a logical alternative (Law 16B1B). As this hand occurred after 1 August, when the new laws came into force in England, the TD got it right and the AC was wrong to reinstate the table result.

Final summary by editor:

Nearly everyone thinks it is a straight question: would pass have been an LA? But the opinion of the answer is split very much. Tim suggests the new Laws tip the balance, and he may be right.

Several mention polling. TDs are encouraged to poll, but I doubt they mention it on the form. I think they should put the results of polls on the form especially when they are relevant to their own decision.

APPEAL No 17: Slow signoff

08.055 Brighton Swiss Pairs

Tournament Director:

Ian Muir

Appeals Committee:

Heather Dhondy (Chairman), Malcolm Harris, Cath Jagger

MPs to VPs Board no 15 Dealer S NS vulnerable	♠ Q 8 2 ♥ A J 10 ♦ 2 ♣ A J 9 8 4 3	
♠ 9 3 ♥ 6 ♦ Q J 9 8 6 4 3 ♣ K 10 2	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ K J 10 7 4 ♥ 9 3 2 ♦ K 7 5 ♣ 7 6
	♠ A 6 5 ♥ K Q 8 7 5 4 ♦ A 10 ♣ Q 5	

Basic systems:

North-South play 14-17NT, 4-card majors

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
			1♥
3♦	4♦	Dbl	Redbl(1)
Pass	4♥	Pass	4♠ (2)
Pass	5♣(3)	Pass	5♥ (H4)
Pass	6♥	All pass	

- (1) 1st round control
- (2) 1st/2nd round control
- (3) 1st round control
- (4) Agreed slow

Result at table:

6♥ + 1 by South, NS +1460, lead ♦ Q

Director first called:

At end of hand

Director's ruling:

Table result stands

Details of ruling:

Receipt of UI, logical alternative but in my opinion pass does not meet the new (or old) criteria for logical alternative (Laws 73C, 16B1B).

Appeal lodged by:

East-West

Basis of appeal:

Pass is a logical alternative

Comments by East-West:

I thought North-South were on the same wavelength here. 5C was spiral scan and the responses were:

- a) slow 5H: QS and JC
- b) immediate 5H: one or none of those
- c) slow 5D: KS and JC
- d) immediate 5D: QS and KC
- e) others: both KS and KC, grand-slam try

Appeals Committee decision:

Score assigned for both sides:

5♥ + 2 by South, NS +710

Deposit returned

Appeals Committee's comments:

Pass of 5♥ is a logical alternative and the UI has made it more attractive to bid on.

Agreeing with the AC:

Barry Rigal's comments:

This is a truly tough decision. Once South moves over the sign-off in 4H they are known to have extras. But does North have anything in reserve? With only three trumps I say no; slam on a spade lead is indeed nothing special. I'll go with the Appeals Committee – they deserve the benefit of the doubt once in a while. Far the hardest of the cases so far.

Bob Schwartz's comments:

TD got it wrong AC got it right.

Paul Lamford's comments:

I was East again! The TD was impressed with the N/S methods but the AC less so.

Jeffrey Allerton's comments:

How did the TD reach his opinion that "pass does not meet the new (or old) criteria for logical alternative"? Another good hand for a poll, although it would be interesting to know North's reasoning for bidding slam: the inferences available to regular partnerships in slam auctions are not always obvious to the casual onlooker. From the information available, the AC ruling looks correct to me.

Nakatani Tadayoshi's comments:

I agree with the AC decision: North has shown its full value and there is no logical reason to bid on except for UI (slow pass). With Club K instead of Jack, no LA other than 6H even with UI.

Richard Hills' comments:

Extract from the Editor's riding instructions:

...As to style we ask you to be somewhat kind in your wording. I do not expect or want you to avoid criticising people, but if you can do so in a friendly way it would be appreciated. 'I find it difficult to believe anyone allows 6NT' means much the same as 'It was a dreadful decision to allow 6NT' but seems much nicer...

I find it difficult to believe anyone allows 6H.

With an ultra-minimum splinter bid (indeed 6H only makes because the club finesse works), passing South's non-forcing 5H is always a logical alternative for North.

Robin Barker's comments:

Agree with AC.

Not sure:

Eric Landau's comments:

There's not enough in the writeup to comment meaningfully on the decision. N-S would seem to have a pretty good case for there being no logical alternative to bidding a slam -- South's auction seems pretty well constructed to get North to bid a slam with second- round control of either minor -- but despite its apparently being good enough to convince the director, we don't get any hint of it. Even if N-S didn't attend the hearing, the director should have offered the rationale behind his finding in their favor. And even if 5H was, as noted, "agreed slow", we expect "slow" in high-level control-bidding auctions. One hopes the committee didn't just take the blind leap from "slow" to "slow enough to convey unauthorized information", but some indication that they knew the difference would have been nice.

Tim Rees' comments:

I'd like to have heard what North had to say about the auction. If he argued that his hand had a source of tricks, good trumps and the ♦A opposite his singleton, and that once South had gone past game, he was always bidding slam, then I would allow his 6♥ bid. His 5♣ bid would have been in case South was interested in grand. If North gave a less convincing explanation, then I might adjust to 5♥.

Agreeing with the TD:

David Stevenson's comments:

I think the TD was right. You have two aces, partner makes a slam try, you sign off, partner goes on. Now the only question is the grand: you are not stopping out of the small slam. So pass of 5♥ is not an LA.

Final summary by editor:

Like the last case this seems just a matter of bridge judgement. While my view was a minority one, a lot of doubt was shown by other people. What would you do over 5♥ if had been bid quickly?

APPEAL No 18: Is pass forcing?

08.056 Brighton Swiss Pairs

Tournament Director:

June Booty

Appeals Committee:

Frances Hinden (Chairman), Jonathan Mestel, Malcolm Pryor

MPs to VPs Board no 15 Dealer S NS vulnerable	♠ Q 8 2 ♥ A J 10 ♦ 2 ♣ A J 9 8 4 3	
♠ 9 3 ♥ 6 ♦ Q J 9 8 6 4 3 ♣ K 10 2	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ K J 10 7 4 ♥ 9 3 2 ♦ K 7 5 ♣ 7 6
	♠ A 6 5 ♥ K Q 8 7 5 4 ♦ A 10 ♣ Q 5	

Basic systems:

North-South play Acol weak NT, multi 2D and weak 2H/S

East-West play better minor, 2 over 1 game force. Variable NT

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
			1♥
3♦	4♣	4♠	Pass (H1)
Pass	4NT (2)	5♦	5♠
Pass	6♣	Pass	Pass
6♦	Pass (H)	Pass	7♣
Pass	Pass	7♦	Pass (H)
Pass	Dbl	Pass	Pass (H)
Pass			

(1) N/S claim pass is forcing in this situation

(2) This is RCKB in clubs

Result at table:

7♦ x - 5 by West, NS +1100

Director first called:

At end of auction

Director's statement of facts:

E/W complained that N should not be allowed to bid 4NT after his partner's hesitation. The TD ruled the result should stand because at H1 the TD felt that the partnership was in a game forcing situation and that it was a forcing pass. When partner makes a forcing pass he effectively says 'I know we should take some action but I don't know what' and if partner hesitates and passes he effectively says 'I know we should take some action but don't know what'. L16B1A says that after receiving UI the partner 'may not choose among logical alternatives one that could demonstrably have been suggested over another'. Although there are alternatives the TD does not believe 4NT has been demonstrably suggested.

Director's ruling:

Table result stands

Details of ruling:

Action has not been demonstrably suggested over another. (Law 16B1A)

Appeal lodged by:

East-West

Comments by North-South:

5♣ not LA after pass by S as this suggests slam.

Comments by East-West:

We have no agreement with taking a bid. 4NT is not a 70% action unless the hesitation suggests extra strength. In Acol opening bids are 10+ points.

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

Deposit returned due to uncertainty over forcing nature of the pass.

No merit in the appeal:

Bob Schwartz's comments:

Keep the money!! South can take 12 months and pass is still forcing. 4C promises another bid and E/W knows it!!!!

David Stevenson's comments:

Routine decision: 4♣ is surely forcing to game, so passing out 4♠ is not an LA. Not much merit in the appeal.

Paul Lamford's comments:

I am sure that the TD and the AC are right that North's 4NT is not suggested in particular by the hesitation, and the pass of 4S is clearly forcing. I presume that South's 5S showed two keycards plus the queen of trumps. North's clearly forcing pass of 6D seems to have been interpreted by South as showing that all the keycards were present and the fact that it was slow does not seem to convey anything in particular. 7C was scheduled to be a lucky make, and East-West's appeal seemed to be more out of pique at the result than anything else. And I don't think that should mean they get their money back.

Good ruling but complex enough to allow the deposit to be returned:

Barry Rigal's comments:

The complexity of the auction allows the return of the deposit. There are some valid concerns here but overall I think the director ruling made perfect sense.

Frances Hinden's comments:

The deposit was returned because E/W obviously didn't understand about forcing passes, so from their perspective we could see that it wasn't frivolous.

Heather Dhondy's comments:

I agree with the TD and think she had a good understanding of the situation and communicated it well with what she wrote. I am surprised that the ruling was appealed, but do not disagree with returning the deposit.

Jeffrey Allerton's comments:

I agree with the TD and the AC.

Nakatani Tadayoshi's comments:

A good write-up by the TD which convinces me the TD and AC decision is right.

Robin Barker's comments:

OK.

Tim Rees' comments:

I agree with the TD and the AC that 4NT was not demonstrably suggested by the hesitation.

A view from the dark side:

Richard Hills' comments:

This Director's syllogism:

When partner makes a forcing pass he effectively says 'I know we should take some action but I don't know what' and if partner hesitates and passes he effectively says 'I know we should take some action but I don't know what'.

Law 40C3(a):

'Unless permitted by the Regulating Authority a player is not entitled during the auction and play periods to any aids to his memory, calculation or technique.'

My alternative syllogism:

(1) For many people, an agreement to play high-level forcing passes is accident prone, with frequent forgetting and/or misinterpretation.

(2) I used to play high-level forcing passes (an agreement now removed from my system). But, when I perpetrated an in-tempo forcing pass, my 'pard' would often routinely pass also, for a red-faced score of +250 for us, instead of our cold vulnerable slam.

(3) A sloooow forcing pass is demonstrably an 'aid to memory'.

(4) *If* a sloooow forcing pass has jogged a snoozy partner's memory, *then* partner violating system is a Law 16B non-suggested logical alternative.

(5) Ergo, *if* South's extra-values forcing pass had been made in tempo, *then* North might have forgotten the partnership's agreement to apply extra-values forcing passes in this sort of auction, *instead* believing that South was employing a minimum-values non-forcing pass, *thus* causing North to sign off in 5H.

Final summary by editor:

With one exception there is unanimity that the ruling was right, so interest was mainly as to whether to keep the deposit.

APPEAL No 19: Hesitation or not?

08.059 Brighton Play with the experts

Tournament Director:

Jim Proctor

Appeals Committee:

Jeremy Dhondy (Chairman), David Price, Tom Gisborne

IMPs	♠ 10 7	
Board no 6	♥ 8 3	
Dealer E	♦ 9 8 6 5 3 2	
EW vulnerable	♣ K Q 7	
♠ K Q 5 4	<i>N</i>	♠ J 8 6 3 2
♥ A K Q 6 2	<i>W</i> <i>E</i>	♥ 7 4
♦ K 4	<i>S</i>	♦ A Q J
♣ A 2		♣ 8 5 3
	♠ A 9	
	♥ J 10 9 5	
	♦ 10 7	
	♣ J 10 9 6 4	

Basic systems:

East-West play 5-card majors, strong NT

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
		Pass	Pass
2♣(A1)	3♦	3♠	Pass
4♠(H)	Pass	4NT	Pass
5♦	Pass	6♠	All pass

(1) Strongest bid

Result at table:

6♠✓ by East, NS -1430

Director first called:

During the play

Director's statement of facts:

The TD was recalled at the end of play. N and S thought that the 4♠ bid was out of tempo. E thought only slightly so.

Director's ruling:

Score assigned for both sides:

4♠ + 2 by East, NS -680

Details of ruling:

The TD decided that it was a hesitation situation and gave an adjusted score of 4♠ + 2 by E (Laws 16B1, 12C1A, 12B1).

Appeal lodged by:

East-West

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

The 4♠ was out of tempo. The continuation after the hesitation was not evident (Law 16B).

UI must suggest another LA over the action chosen but that is not the case here:

Barry Rigal's comments:

At the very least an incomplete (but in my opinion a nonsensical) ruling and decision. Yes there was hesitation but the TD and Appeals Committee did not discuss the Laws (remember them?). For an adjustment to take place the hesitation must DEMONSTRABLY point to one action over another. Here West might have less in spades not more; East is free to do what he wants.

Jeffrey Allerton's comments:

The AC states that "the continuation after the hesitation was not evident (Law 16B)" but the quoted law is only relevant when the action chosen "could demonstrably have been suggested over another" by the UI. Perhaps West was considering an alternative strain (say ♠Kxx ♥AKQJxxx ♦x ♣AK or ♠AK ♥AKJx ♦xx ♣AK10xx) in which case it could be argued that Pass is suggested by the hesitation. Hence no action is *demonstrably* suggested by the UI and the table result should be allowed to stand.

Robin Barker's comments:

Is it obvious that a slow 4S suggests bidding on? I can think of many reasons for a slow 4S: extra values, poor spades, and (most likely given West's hand) uncertainty about the meaning of West's available calls. Neither the TD nor the AC addresses the issue; perhaps it is obvious that a slow 4S was a balanced minimum with four spades.

Tim Rees' comments:

Assuming that the 2♣ opening was normal Acol (23+ or GF), East appears to have the values to make a slam try. It's close under the 2007 Laws whether pass is a logical alternative. However, I don't think that the hesitation demonstrably suggest going on. The opener could have a 2425 shape or similar, and be deciding between 3NT, 4♣ and 4♠. I'd have let the table result stand.

Passing 4♠ is not an LA:

Eric Landau's comments:

I'd have voted to let the table result stand. As I see it, West has a pretty bare minimum 2C opener, so when he opens 2C and then raises spades, slam is likely and the five-level must be safe. I don't think East has any logical alternative to making some sort of try over 4S, and whatever he does will get him to 6S.

Bob Schwartz's comments:

I don't think I like this. When you open with a strong and artificial 2C bid, you usually expect to have some kind of structure available for your next bid. In this case it came back with partner having made a free bid at the 3 level. I would think the 4S bid is correct (devalue the KD) and if it was made in such a way that there was even doubt about a hesitation-then I would not consider a hesitation to be flagrant or suggestive. East chose to bid 3S (I would pass or bid 3N) but, having bid 3S and facing a 2C opening I would certainly make another call over 4S. As to what would happen subsequently, I am more than open to suggestion or arguments—but I do NOT accept 4S as the final contract. The TD and the AC did not seem to take this into consideration.

N made a very good disruptive bid-and then screamed for assistance when it did what it was designed to do.

If I were the TD I think I would allow the table result to stand and let an AC hash it out. I don't think there is an offending side here. As to what the AC should do—I would have to be there. That being said E just bombed into 6 knowing he was off a control and did not ask about the Q-THAT makes me suspicious.

Frances Hinden's comments:

This would be a good hand for a poll. If partner genuinely has game forcing values it's hard to believe that it can be right to pass 4♠.

Heather Dhondy's comments:

It is a good question as to whether 4S is forcing. Would a suit bid and agreed following a positive to 2C ever be passed below 4NT?

I would allow the 4NT bid as I don't think the hesitation has suggested bidding on (what constitutes a fast 4S bid in this auction?).

The actual hand is a questionable 2C opener, and yet slam still made. North, whilst creating problems in the auction, presumably got his partner off to the wrong lead ultimately.

If 4♠ was forcing surely E/W would have pointed this out?

Nakatani Tadayoshi's comments:

Of course this is a hesitation situation, but the point is whether pass over 4S with East's hand is a LA. After all, West did open strong two and I believe East's hand is worth at least one more push. Incidentally, without North's 3D bid, the most likely lead against 6S by East would be CJ which defeats 6S. The damage is self-inflicted by 3D bid?

Ruling is Ok – just:

David Stevenson's comments:

A close one. But East's continuation is not evident.

Ruling correct and appeal without merit:

Paul Lamford's comments:

If East-West are experienced players this seems a flagrant abuse of UI. East has bid a game-forcing 3S on only Jxxxx opposite what can seemingly be a 21-count and he presses on when his partner raises to game. The slow 4S says it nicely; I am a bit good for this pard, but didn't want you treat 4C or even 4H as natural. It would serve East right if South had found the club lead. And another deposit that should not have been returned.

Richard Hills' comments:

Since West failed to cuebid 4D, East had no business trying the Old Black when holding such a diaphanous spade suit. For example, 6S has no play on this layout, and 5S fails on a 4-1 trump break (quite likely after North's 3D preempt):

A54	J8632
AKQJ	74
32	AQJ
AKQJ	853

Why are East-West appealing in a Play With The Experts non-event?

Why did the Appeals Committee return the deposit? Was it because East-West were non-experts?

Since the Laws of the game permit appeals, the standard of the event is considered irrelevant. And the players may not feel it is a non-event anyway.

Final summary by editor:

The commentators are clearly in disagreement. Some think the appeal without merit, some think it close, some think passing 4♠ is not an LA, some think that the UI does not suggest going on over passing.

APPEAL No 20: Not a skip bid

08.063 Brighton Open Pairs

Tournament Director:

Jim Proctor

Appeals Committee:

Jon Williams (Chairman), P Collins, R Miller

MP Pairs Board no 22 Dealer E EW vulnerable	♠ K Q J ♥ K Q 10 6 ♦ 9 7 3 ♣ K 10 2	
♠ 10 9 5 4 3 ♥ 9 2 ♦ A Q J 10 8 ♣ A	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ A 2 ♥ 8 3 ♦ 6 5 4 ♣ J 9 6 5 4 3
	♠ 8 7 6 ♥ A J 7 5 4 ♦ K 2 ♣ Q 8 7	

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
		Pass	Pass
1♠	Dbl	Pass	2♥(1)
Pass	Pass	2♠	Pass
Pass	3♥	All pass	

(1) The 2♥ bid was preceded by 'stop'. The 2♥ bid point-count is 6 to 9. 2♣ is negative.

Result at table:

3♥ - 1 by South, NS -50

Director first called:

When 'stop 2♥' was bid.

Director's statement of facts:

The TD told N/S that the bid was 2♥ and the 'stop' was unauthorised information to N. (The TD was satisfied it was not a mechanical error). The TD was recalled by E/W at the end of play.

Director's ruling:

Score assigned for both sides:

2♠✓ by West, NS -110

Details of ruling:

3♥ bid cancelled; 2♠✓ by West awarded (Laws 16B1, 12C1A).

Appeal lodged by:

North-South

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

It was felt that any 3♥ bid should have been made by S notwithstanding that with Herbert negatives S had shown 6-9 points. N is minimum with poor distribution.

No merit, and North's actions deserve worse than a lost deposit:

Barry Rigal's comments:

Back into procedural penalty award again. When North is looking at SKQJ (can you say 'defence?') and South has passed 2S (can you say 'nothing extra?') for North to bid after receiving UI puts him fairly and squarely in the 'heavy slap around the face with wet fish' territory. Certainly a returned deposit does not make North fully aware of the significance of his actions.

No merit:

Bob Schwartz's comments:

Keep the \$

David Stevenson's comments:

Clear enough, and not much merit.

Paul Lamford's comments:

This is a clear UI situation, and North certainly did not carefully avoid taking any advantage. The stop card here suggests that South might have bid 2H over (1C) – Dbl – (Pass) or 1D – (Dbl) – Pass, which puts him more in the 8-10 range. I agree with the TD and AC ruling. I don't think I would have returned that deposit either. What possible grounds for appeal were there?

Richard Hills' comments:

Why did the Appeals Committee return the deposit? Was it because North-South were non-experts?

Robin Barker's comments:

OK: little merit in this appeal. Would it be illegal for South to bid 3H because he knows North will be constrained to not compete on marginal hands?

Tim Rees' comments:

This ruling looks clear-cut. So much so, I don't see why the deposit was returned.

Reasonable enough:

Frances Hinden's comments:

Reasonable to return the deposit.

Heather Dhondy's comments:

I agree with the ruling. The 3H bid is not evident and could have been suggested by the UI. South should most definitely have done more on the hand.

Jeffrey Allerton's comments:

Looks like a sensible ruling by the TD/AC.

No adjustment needed:

Nakatani Tadayoshi's comments:

In my opinion, with this vulnerability I am inclined to accept a raise to 3H by North over 2S in this auction.

Final summary by editor:

A majority feel the deposit should have been retained.

APPEAL No 21: Transfer advances

08.066 Brighton Swiss Teams

Tournament Director:

Chris Barrable

Appeals Committee:

Jeremy Dhondy (Chairman), Paul Hackett, Rob Cliffe

IMPs to VPs Board no 3 Dealer S EW vulnerable	♠ 9 ♥ Q 9 5 2 ♦ A J 6 4 2 ♣ 10 5 4	
♠ K 8 2 ♥ 10 8 ♦ Q 8 ♣ A K J 7 6 3	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ Q 10 6 5 4 3 ♥ K 7 3 ♦ K 9 ♣ 9 8
	♠ A J 7 ♥ A J 6 4 ♦ 10 7 5 3 ♣ Q 2	

Basic systems:

North-South play strong NT, 5-card majors

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
			1♦
2♣	Dbl (A)	2♥ (1)	Pass
3♣	3♦	Pass	Pass
3♥	4♦	All pass	

(1) Not alerted but E/W say it should have been alerted – shows spades.

Result at table:

4♦ ✓ by South, NS +130

Director first called:

At end of hand

Director's statement of facts:

E/W said that 2♥ should have been alerted as it shows spades and N claims that they have 4♥ on – they have a 4-4 heart fit and because of this claim damage. The TD concluded 4♦ was the maximum on the hand. (♣AK, small club, ruff with ♥7 gives a trump promotion.) Note there is no guarantee that N or S would play the contract.

Director's ruling:

Table result stands

Details of ruling:

N/S have MI (failure to alert 2♥), however looking at the possible results (4♦, 4♥, 4♥-1, 3♥, 3♥+1) we believe that the score of -2 IMPs (-200 at other table +130) will not improve.

Appeal lodged by:

North-South

Basis of appeal:

N believes he will bid and make 4♥.

Director's comments:

N/S have lost 2 IMPs on the board since E/W played in 4♠-2. Match result 18-2.

Appeals Committee decision:

Score assigned for both sides (Law 12C1C):

- 50% of 4♥✓ by N/S, NS +420
- + 10% of 3NT -2 by East, NS +200
- + 40% of 4♥ -1 by N/S, NS -50

Deposit returned

Appeals Committee's comments:

There was misinformation. N/S were damaged. They might well have reached 4♥ with a double fit. This could be defeated if a 3rd club is ruffed with ♥7 or declarer gets hearts wrong. E/W could find that if W bids 3♥ E will think he has a strongish 4-6 and may play 3NT which on normal defence will go down 2.

Good decision by AC:

Barry Rigal's comments:

I agree with the Appeals Committee – the defence of a third round of clubs for the trump promotion would be spectacularly unsuccessful if East did not have the heart seven. Some might argue with the weighting calculations but that is low down my list of priorities; good decision, I think.

David Stevenson's comments:

At last a weighted ruling! Mind you, the assigned score looks not much different in effect from the table score!

Correct to over-rule TD but actual weighting could be improved.

Nakatani Tadayoshi's comments:

I think that the rectification does not improve the result is not a suitable reason to keep the table result in a teams match. Therefore the AC made a good decision correcting TD's misjudgement. I do not quite agree with the AC's weighted score but it is acceptable.

Robin Barker's comments:

I think that without the misinformation, North/South would bid 3H before West could do so and this would often get passed out. I think the score assigned by the AC should include more of 3H= and 3H+1 by N/S. This would still improve the score for N/S, but not by much. The TD was not far wrong in ruling that North/South were not damaged.

Paul Lamford's comments:

I would agree that it is clear that N/S were damaged and that it is not clear what would have happened with correct information. The double-dummy defence of ruffing with the seven of hearts is not necessary in practice. Play will normally go AKJ of clubs, and East will discard while South ruffs. Declarer will play ace of spades, ruff a spade, finesse the jack of hearts and cash the ace of hearts. Why on earth would he try to pin the doubleton ten? It is my view that lines that won't occur in a month of Sundays should not be included in a weighted score. In which case +130 is about the best for N/S anyway, although +200 might be possible in the way the AC suggests, so a tiny adjustment is all that is needed.

Tim Rees' comments:

This is a good use of Law 12C1C, assigning weighted scores due to the MI to N/S.

I think the AC got a bit confused trying to include 3NT in the weightings, due to UI to East. Once West has bid 3♣, E/W aren't going to play in 3NT.

Correct to over-rule TD but actual weighting could be improved. And why do the AC know the effects of their decision?

Bob Schwartz's comments:

I'm in dangerous territory here-so I will restrain myself. Are TD rulings really supposed to be made based upon what has happened at the other table or what the result of the match is? There is clearly a failure to alert and damage has occurred. The TD has lost his/her mind. As for the AC: I agree but would do 70% of +420 and 20% (or less) of -50 (I could live with 80-10 easily). I could live with a procedural penalty as well.

Heather Dhondy's comments:

I don't really understand the 3NT thing, but would certainly give N/S some generous proportion of 4H, and I believe 50% to be generous since in practice it is odds on to fail.

What happened at the other table, and the match result are irrelevant, N/S were damaged by the MI.

Prefer TD's ruling:

Jeffrey Allerton's comments:

It is difficult to construct a sensible auction to arrive at 4♥ so it is very surprising to find the AC's ruling implying that contract being reached as much as 90% of the time. I prefer the TD's ruling.

Richard Hills' comments:

I prefer the Director's ruling. North-South have a combined 19 high card points (including the wasted queen of clubs) with no particularly exciting distribution, so are most unlikely to be declaring 4H 90% of the time without MI as the Appeals Committee assesses. Although if 4H is reached, I agree with the Appeals Committee that North-South are likely to make it five times out of nine.

Final summary by editor:

A strong majority for a weighted adjustment, though probably not the actual one given! Some surprise that the AC was told the effect of their decisions. It is unusual, surprising and inappropriate for the match score to appear on the form.

APPEAL No 22: 'I thought it was routine'

08.067 Brighton Swiss Teams

Tournament Director:

Neil Morley

Appeals Committee:

Heather Dhondy (Chairman), Neil Rosen, Tim Rees

IMPs to VPs Board no 7 Dealer S All vulnerable	♠ Q J 8 6 ♥ K Q 5 3 ♦ 8 2 ♣ Q 5 4	
♠ K ♥ 8 ♦ J 9 7 6 4 ♣ A K J 9 8 3	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ 9 7 5 3 ♥ A 10 9 6 ♦ K 10 5 3 ♣ 6
	♠ A 10 4 2 ♥ J 7 4 2 ♦ A Q ♣ 10 7 2	

Basic systems:

North-South play 5 card majors, weak NT

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
			1♣(1)
Pass	1♥	Pass	2♥
3♣	3♥	Pass	Pass
3NT(2)	Dbl	4♦	Dbl
All pass			

(1) Alerted

(2) Not alerted and showing diamond stop and suit

Result at table:

4♦x✓ by East, NS -710, lead ♥2

Director first called:

After opening lead faced

Director's statement of facts:

S called the TD to the table after dummy had been tabled claiming that he had been damaged by the failure to alert 3NT. He said that N was inexperienced and that N had doubled 3NT for penalties as she thought it was natural. S said that she would not have doubled 4♦ had 3NT below alerted.

Director's ruling:

Table result stands

Details of ruling:

Both N and S are experienced players and in the top ½ of field. Both players are sufficiently experienced to realise that 3NT was not 'to play'.

Appeal lodged by:

North-South

Director's comments:

N is a Premier Life Master (554 greens and 8 gold points). Even if N believed that 3NT was natural S by his own statement said he realised that it was not natural. His double of 4♦ must be for business.

Comments by East-West:

'I thought it was routine'

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

At this level we feel that N could have worked out the 3NT would not be natural – N is not an inexperienced player. Also the double of 4♦ was thought ill-judged.

Another frivolous appeal - and maybe a PP as well?

Barry Rigal's comments:

While I could live with a small adjustment in the form of a Procedural Penalty to E/W I would not do so; (I think the 3NT bid requires an alert but we are not playing against children) I'd hate to deprive North of the knowledge that she has made a frivolous appeal.

So I'd keep the deposit – or tell North that she only just avoided that fate.

Bob Schwartz's comments:

Keep the money!!! Make North wear a sign when he plays that says "554 greens and 8 gold points makes me inexperienced!!!" or better still make South wear one that says "all 554 greens and 8 gold points mean, is that you can't play bridge."

David Stevenson's comments:

Since the main thrust of South's argument was that North was inexperienced and would have done something different, and since we know North was not inexperienced, the deposit should have been kept and possibly a PP to N/S for 'trying it on'.

Robin Barker's comments:

OK: no merit.

Good decision:

Frances Hinden's comments:

Another man explaining how his female partner has been damaged! Unless there is some reason (e.g. language difficulties) I expect players to be able to explain their own actions. Good ruling by the TD and the AC.

Jeffrey Allerton's comments:

The AC states that: "N could have worked out the 3NT would not be natural". Perhaps North was more aware of OB 5B5 (in the absence of an alert, opponents can assume that the call does not, by agreement, fall within an alertable category) than of OB 5H1 (the opponent's duty to protect herself). If East interpreted 3NT as conventional only by virtue of a general bridge inference (and not by virtue of any implicit or explicit partnership agreement) then OB 5B9 applied, meaning that East was correct not to alert.

Let's assume that the 3NT bid should have been alerted. How did the lack of alert cause damage? Why did *South* call the TD and explain how *North* would have acted differently? If North had explained to the TD in her own words why the alleged misinformation had affected her bidding, the TD/AC should have been a lot more inclined to believe that she might have done something different.

Paul Lamford's comments:

It appears from subsequent postings on this matter that the statement that North was inexperienced was false and self-serving and she should have known 3NT was artificial, so I accept the AC view.

Tim Rees' comments:

The 3NT bid should have been alerted, but N/S were experienced enough to know that it wouldn't be natural. They have a responsibility to protect themselves, at least to some degree.

Natural justice might suggest that N/S keep their -710, as they caused their own bad result, but that E/W should only get +130, as they shouldn't gain from their infraction. Unfortunately, the wording of Law 12C1B makes it difficult to do this. Law 12C1B states that a split score should be awarded if "the non-offending side has contributed to its own damage by a serious error (unrelated to the infraction) or by wild or gambling action". Here, the error was caused by doziness (or lack of thought), and can't really be classified as "wild or gambling".

I would favour allowing ACs to use a slightly more liberal interpretation of Law 12C1B, so that they can give both sides a poor score, when they think that that both pairs are at fault.

Decision a bit harsh:

Nakatani Tadayoshi's comments:

The decision is acceptable but seems a bit too harsh to the non-offending side when there was a clear infraction. 4D undoubled might have been suitable.

Richard Hills' comments:

This time I agree with the return of the deposit, because indeed there was MI due to the failure to alert 3NT. Once North chose to double 3NT, then South's double of 4D was *not* (as the Appeals Committee alleged) 'ill-judged', since most of South's values are diamond honours, plus South has an outside Quick Trick Ace in a suit North never bid.

So the question is whether North is:

- (a) a very expert player who realised that 3NT was a minor two-suiter, but very carelessly doubled, or
- (b) a not very expert player who did not realise that 3NT was a minor two-suiter, so sensibly doubled, but who would also sensibly refuse to double an alerted 3NT, or
- (c) a complete rabbit who would double 3NT whether or not it was alerted.

For North players in categories (a) and (c) the North-South of -710 would stand. But as Director and Appeals Committee I rule that a North player with exactly 8 gold points falls into category (b), so I adjust the score to N/S -130 and E/W +130.

EBU Laws and Ethics Committee's comments:

The Committee was unanimous in believing that the deposit should have been kept.

Final summary by editor:

While there was some sympathy for E/W, more thought the deposit should have been kept.

APPEAL No 23: 'Can I overtake?'

08.068 Brighton Swiss Teams

Tournament Director:

Gordon Rainsford

Appeals Committee:

Tim Rees (Chairman), Andrew Thompson, Cameron Small

IMPs to VPs Board no 19 Dealer S EW vulnerable	♠ A 8 ♥ Q 6 5 4 2 ♦ 7 5 ♣ Q 8 7 2	
♠ K Q J 7 4 3 ♥ 10 8 ♦ J 10 ♣ 10 9 3	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ 10 9 2 ♥ K J 9 ♦ A K Q 9 2 ♣ J 4
	♠ 6 5 ♥ A 7 3 ♦ 8 6 4 3 ♣ A K 6 5	

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
			1NT(1)
2♠	Pass	3♦	Pass
3♠	Pass	4♠	All pass

(1) 10-12 HCP

Result at table:

4♠✓ by West, NS -620, lead ♣x

Director first called:

At end of hand

Director's statement of facts:

The play had gone ♣x to king; ♣A winning, ♣x to queen ruffed in dummy with ♠2. Then declarer led ♠10 and when S played low she hesitated (agreed hesitation explained to the TD as wondering whether she could afford to overtake) before playing low. N won the ♠A and returned a 4th club.

N explained to the TD that she knew her partner could not have ♠Q and ♥A because of the 10-12 NT opening. The hesitation had led her to believe that she had the ♠Q and not the ♥A and so she had returned a 4th club reasoning that the only way to defeat the contract was if S had started with three clubs and could ruff the 4th round with ♠Q.

Director's ruling:

Score assigned for both sides:

4♠ -1 by West, NS +100

Details of ruling:

W had failed to be particularly careful when variations might work to the benefit of their side. W had no demonstrable bridge reason for her hesitation – she should have decided to overtake before leading – and she could have known that it might work to her benefit (L73D1, 73F).

Appeal lodged by:

East-West

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

There was an agreed hesitation by W after the ♠10 and ♠5 had been played. W's hesitation during a trick gave the impression to the defence that there was a problem in the suit led. Although we are sure that declarer had no intent to deceive, that was the effect of the hesitation. L73D1 allows the opposition redress. If W had thought before leading the ♠10 from dummy then there would not have been the same inferences about the spades.

Good ruling:

Barry Rigal's comments:

I like this ruling, although I could imagine that there would be times I'd rule the other way here. If dummy had the bare S10 left for example, this would be an instance where declarer's thought processes would be justified. (Yes they might still have thought before playing the S10 but I would not hold that against them.) This is a close and important case.

Bob Schwartz's comments:

OK. As an aside-I have never been a big fan of the wording of Law 73-and have advocated changing it for years.

Heather Dhondy's comments:

I agree with the TD and the AC.

Nakatani Tadayoshi's comments:

A good decision accompanied by a good write-up.

Robin Barker's comments:

OK: routine Law 73D1.

Tim Rees' comments:

Since I was chairman here, I obviously agree with the ruling! There was no bridge reason for a hesitation at the time it occurred. One thing we checked was that North's defence was consistent with the information she had available. As she had no clues about South's club length, it was reasonable to play her to have a 3-card suit.

No merit:

David Stevenson's comments:

Another good ruling and appeal with no merit.

Frances Hinden's comments:

Why return the deposit?

Richard Hills' comments:

Why did the Appeals Committee return the deposit? Was it because West, a non-expert, might have grossly misinterpreted the motive for the retention of the deposit as an animadversion on her ethics?

Two different approaches:

Jeffrey Allerton's comments:

North's line of defence was based on declarer having played 3,9,10 from an original holding of ♣10963, thereby leaving himself with an unnecessary 4th round club loser. Even then one would expect a declarer who started with ♠KJ7643 ♥A(x) ♦x(x) ♣10963 to discard this self-generated club loser on a red king before drawing trumps.

Law 73F instructs the TD to award an adjusted score if he determines that an innocent player has drawn a false inference *from* a remark, manner, tempo or the like of an opponent who has no demonstrable bridge reason for the action..." (my italics).

The difficulty on this hand is that North may have already drawn the false inference that his partner holds ♠Q *from* that player's failure to cash ♥A at trick 3. The TD/AC has to decide what this particular North would/might have done at trick 5 after the same start to the play without declarer's hesitation. Perhaps it is most equitable to assume that he would have switched to a heart some of the time and to award a weighted assigned score, attaching percentages to 4♠-1 and 4♠=.

Paul Lamford's comments:

I would agree that this is a situation where a variation in tempo might work to declarer's benefit, but there is still a duty on the non-offenders to continue to play bridge. It would not have helped N/S one iota if South had Qx of spades and ruffed the fourth club with the queen, as declarer simply overruffs and draws trumps; even if West only has five spades there is no uppercut. It seems here that N/S have pulled the wool over the eyes of the eminent panel. The ONLY reasonable chance to defeat the contract is that partner has the ♥A, and continuing with a fourth club was a WoG blunder.

Final summary by editor:

As with many of these cases, there is some doubt as to whether the deposit should be returned and that is the main bone of contention.

APPEAL No 24: The king?

08.074 Autumn Congress Pairs

Tournament Director:

Martin Lee

Appeals Committee:

Jeremy Dhondy (Chairman), Jon Williams, Paul Lamford

MP Pairs Board no 7 Dealer S All vulnerable	♠ 8 5 ♥ Q 10 7 3 2 ♦ Q 8 ♣ K 5										
♠ A K ♥ J ♦ 10 5 4 3 ♣ 10 8 7 6	<table style="width: 100%; text-align: center;"><tr><td></td><td><i>N</i></td><td></td></tr><tr><td><i>W</i></td><td></td><td><i>E</i></td></tr><tr><td></td><td><i>S</i></td><td></td></tr></table>		<i>N</i>		<i>W</i>		<i>E</i>		<i>S</i>		♠ J 9 4 ♥ A 8 6 4 ♦ 9 7 ♣ 9 4
	<i>N</i>										
<i>W</i>		<i>E</i>									
	<i>S</i>										
	♠ 7 3 ♥ K 9 5 ♦ A K J 6 2 ♣ Q										

Basic systems:

North-South play Acol mini NT

East-West play Strong 1♣, 15-17 NT

Result at table:

2NT - 1 by South

Director first called:

At trick 3 before E had played to the trick, after card played from dummy. The position before that trick is as shown in the diagram.

Director's statement of facts:

The TD was called by S (declarer) who told the TD that although he had already called the ♣K from dummy he wanted to play the ♣5. After speaking to all at the table the TD was satisfied that there was a pause of about 2 seconds after the ♣K was called when he stated he wanted the ♣5. The TD read Law 45C4. In the TD's view a delay of 1-2 seconds is not 'without pause for thought'. The TD ruled the ♣K played.

Director's ruling:

Table result stands

Details of ruling:

Compulsory play of card (Law 45C4)

Appeal lodged by:

North-South

Basis of appeal:

Does not agree with TD's interpretation of the law.

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

The ♣K was designated; there was pause for thought so it must be played.

Law 45C4A applies.

Law 45C4B although the pause was agreed to be brief nonetheless the designation was not changed quickly enough.

The deposit was returned because we thought this relatively close and discussed it for some time.

No merit:

Barry Rigal's comments:

No deposit return; the law is perfectly clear (as Lord Goat would say) and just because South does not like the result of the law, does not mean he can appeal with impunity. As these situations go, the pause really does make it easy both for the directors and committee; they should not have needed to debate –and thus return the deposit.

Bob Schwartz's comments:

This was NOT relatively close. Time that the AC took is irrelevant as to merit, but relevant as to how well they do their jobs. KEEP THE DAMN MONEY. This was a matter of law and nothing else period.

Frances Hinden's comments:

Another soft-hearted AC. It looks as if the deposit was returned because they knew N/S would be very upset if it were kept, but the appeal was frivolous.

Good decision:

Heather Dhondy's comments:

I agree with the ruling given. As I understand it “without pause for thought” covers a slip of the tongue, which is not what happened here. Although very unfortunate for N/S, South was careless.

Nakatani Tadayoshi's comments:

In my opinion, the point of this appeal is whether CK was an unintended designation and whether declarer changed it without pause for thought (there can be a pause between designation and change provided there's no pause for thought after declarer realizes his unintended designation). This is not clear from the write-up but it appears declarer called for CK under mental-lapse, so the decision is OK.

The appeal should have been to the DIC. Good decision:

Jeffrey Allerton's comments:

As the basis of appeal was “does not agree with TD’s interpretation of the law”, why was this appeal heard by an AC? Law 93B1 states that: “The Director in Charge shall hear and rule on such part of the appeal as deals solely with the Law or regulations”. Although that Law goes on to say: “His ruling may be appealed to the committee”, there is no mention on the appeals form of a review of the ruling by the Director in Charge.

The ruling itself looks like a straightforward book ruling to me, so it is a little surprising that the AC considered the ruling to be “relatively close”.

Wrong approach:

Paul Lamford's comments:

I was on the AC here, and agree with the L&E that we reached the right decision for possibly the wrong reasons in that there was probably a change of mind, which is more relevant than the pause for thought.

Robin Barker's comments:

Agree with TD/AC. Although the pause was short, it appears there was a change of mind – the original designation (“king”) was not inadvertent.

The appeal should have been to the DIC. Wrong approach:

Richard Hills' comments:

The Appeals Committee lacks the power to overrule the Director on a matter of law.

Law 93B3:

‘In adjudicating appeals the committee may exercise all powers assigned by these Laws to the Director, except that the committee may not overrule the Director in charge on a point of law or regulations, or on exercise of his Law 91 disciplinary powers. (The committee may recommend to the Director in charge that he change such a ruling.)’

However, as a casebook panellist I have the power to bumptiously assert that the Director has misinterpreted Law 45C4(b), which does not merely say ‘without pause’ (in which case the Director’s factual determination of a delay of 1-2 seconds would be definitive), but rather has the looser criterion of ‘without pause for thought’.

Edgar Kaplan (prime mover behind the 1975, 1987 and 1997 editions of the Lawbook) noted that even 10 seconds would not be a ‘pause for thought’ if South was a nervous ditherer who not only was unthinking, but who also spent a lot of time being unthinking. For example:

‘King of clubs; oh dear this is dreadful, what have I done, what I really meant was, oh how silly of me, the five of clubs.’

Wrong approach, and no merit:

Tim Rees' comments:

In my opinion, this was clearly not a "slip of the tongue", and so cannot be corrected. With respect to the AC, I don't think it's close at all, and I'd have retained the deposit.

The appeal should have been to the DIC. Furthermore, the ruling was completely wrong in Law and the main question of inadvertency was overlooked:

David Stevenson's comments:

If this was an appeal based on the TD's interpretation of Law why was the appeal not made to the Director in Charge?

When there is an attempt to change a bidding card it has always been interpreted that the pause for thought was from the realisation of the mistake. Surely this position is no different, so the player was only out of time if he immediately realised it was wrong, and then considered before doing anything, a very unlikely scenario.

Thus I believe the TD and AC were wrong.

However, was it inadvertent? This looks to me as though declarer suddenly realised he had singleton queen opposite Kx, so was a change of mind. Thus I would not have allowed a change but because it was not inadvertent: it was in time.

EBU Laws and Ethics Committee's comments:

There are two questions: has the law been interpreted correctly? Have the TD and the AC considered the correct question?

When considering whether a card from a bidding box may be changed, it is clear that the pause for thought applies from the realisation of the wrong card. The same applies to cards called from dummy, so it is not a question of whether one or two seconds is a pause, but whether it is a pause for thought, i.e. whether it was after the realisation of the mistake. We believe that the change would have been in time.

But was the card called for inadvertent? Neither the TD nor the AC seems to have considered this, but it is likely that declarer asked for the king, then realised he had the singleton queen, then tried to change his play of the king. In this case the card was not called for inadvertently, and may not be changed even if in time.

Final summary by editor:

I believe the majority of the commentators missed the boat here. The ruling was wrong, the procedure for appealing was wrong, the AC's decision was wrong. By remarkably good fortune the correct result was reached despite the flaws in the process.

APPEAL No 25: An unexplained double

08.079 Autumn Congress Teams of Four

Tournament Director:

Eddie Williams

Appeals Committee:

Jon Williams (Chairman), John Amor, Ed Scerri

IMPs Board no 25 Dealer N EW vulnerable	♠ 8 5 ♥ J 10 7 4 ♦ 7 2 ♣ A K Q 10 8	
♠ K Q 9 3 ♥ 8 2 ♦ J 9 5 ♣ 9 7 5 4	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ J 6 ♥ Q 9 5 3 ♦ A K Q 8 6 4 ♣ 2
	♠ A 10 7 4 2 ♥ A K 6 ♦ 10 3 ♣ J 6 3	

Basic systems:

North-South play strong NT, 5 card majors, 2 over 1 game force.

East-West play Acol and Multi

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
	Pass	1♦	1♠
1NT	Dbl (1)	Pass (H2)	Pass
2♦	Pass	Pass	Dbl (3)
All pass			

(1) N/S could not give an explanation of what the double meant in this sequence

(2) E's pass was only slightly out of tempo in my opinion

(3) N did not alert this double and subsequently passed.

Result at table:

2♦ x + 1 by East, NS -380

Director first called:

After North's double.

Director's statement of facts:

The TD was called to the table after N's double as S was unable to give an explanation of the double. The TD sent N away from the table and asked S to explain the system. He said that his partnership had no agreement in this sequence. The TD asked N back to the table and sent S away. When asked N said that their partnership had no agreement in this sequence.

The TD stayed at the table while the auction continued. N failed to alert S's double and at the end of the auction E asked N what the double meant. N's answer was that she didn't know in this sequence. The TD explained that as she had passed she obviously thought it was for penalty in which case she should have alerted it.

At the end of the auction S reserved his rights because of E's alleged slow pass. The TD was asked back at the end of play by S and asked to look at the board as S felt W's 2♦ bid was suggested by E's slow pass.

E felt that he had not hesitated, S suggested there was a long hesitation. The TD was present at the table during the auction and the TD felt there was a break in tempo by E.

Director's ruling:

Table result stands

Details of ruling:

W's 2♦ bid is not suggested by E's break in tempo pass, but more by N/S failure to explain their double. The TD does not believe pass is a LA. (Orange book 5B10).

Note by editor:

Orange book 5B10:

A player who is not sure whether a call made is alertable, but who is going to act as though it is, should alert the call, as the partnership is likely to be considered to have an agreement, especially if the player's partner's actions are also consistent with that agreement.

Appeal lodged by:

North-South

Comments by North-South:

I have only had time to look at point 1). I dispute the wording by the TD as it implies deliberate obfuscation. We had no agreement as to what my double meant in an auction like this.

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

It was felt that 2♦ was the only LA to leaving 1NTx despite the break in tempo.

No merit:

Bob Schwartz's comments:

I would doubt any double of 1NT in that stage of the auction is alertable UNLESS it was something other than penalty or cards. Opponents are only entitled to agreements a partnership has in place. After all of the sending away from the table and discussions East might certainly be expected to take some time before passing. How long was it? West's 2D bid is 100%. KEEP THE MONEY!!!!!!!!!!

Make a weighted adjustment:

David Stevenson's comments:

The TD was wrong to tell North "as she had passed she obviously thought it was for penalty" since that is not necessarily true. When part-scores are doubled, and a player does not know what is going on, she might consider passing [especially when the double is not into game] and hope that the contract goes off. The logic of the TD is nowhere near certain.

Despite all the fuss over N/S's bidding, this comes down to a simple UI case: was there UI? Yes, East passed out of tempo, the TD saw that himself. Were there LAs to West's pass of the double? Yes, with a good spade stopper, no guaranteed diamond fit, many players would consider passing and some of those would pass. Does the UI suggest bidding over passing? Yes, surely East would not consider what to do with a completely balanced hand. So I would have adjusted to INT doubled going down two or three tricks, a weighted adjustment.

Keep table result:

Frances Hinden's comments:

Once South couldn't explain the first double, there was no point of sending *North* away from the table. The AC's comment doesn't make sense: I think they mean they believe there is no LA to 2♦. I don't agree. Surely if East had a weak hand with long diamonds he would have bid; why isn't a strong NT possible as N/S have no idea what the double meant? I find it astonishing that, after a great deal of palaver with both North and South being sent away from the table, anyone could say there was a UI-providing BIT from East and I would personally leave the table result unchanged.

Jens Brix Christiansen's comments:

It is unfortunate that the TD criticised North for not alerting South's double before the end of play. He cannot pass judgment on whether North thinks that South's double is for penalties without knowing the nature of North's hand; he should not have such knowledge at that time; and if he did, he should carefully avoid disclosing such information to the other players.

The observed slight break in tempo from East follows immediately after a situation where the TD has had both North and South taken away from the table and subsequently has explained to East that no explanation is the explanation. Surely such a slight break in tempo does not convey useful unauthorised information to West; it is entirely understandable that East needs a little time to compose himself in that situation.

Nakatani Tadayoshi's comments:

I agree with the decision by the TD and the AC. The problem was caused by N/S for not adequately explaining their calls. East has a bridge reason to hesitate when N/S fails to explain the meaning of the double.

Tim Rees' comments:

In between North's double and East's pass, the TD asked questions, then took each of North and South away from the table for separate discussions. This presumably took several minutes, yet the TD concluded that East had hesitated during this time. It could be that East's initial question passed UI, but I wouldn't rule a hesitation here, due to the confusion surrounding the explanation.

So I'd allow West's 2♦ bid, on the basis that there was no infraction by E/W.

As an aside: the AC appears to have asked the wrong question of itself. It shouldn't be considering whether 2♦ is an LA, but whether pass is.

Richard Hills' comments:

I support the 'table result stands' ruling of the Director and Appeals Committee.

I could not find a specific Orange Book clause about 'no agreement' calls. However, excellent advice is contained in clause 75.2 of the 2006 edition of the White Book:

'To say that one's partnership has no agreement, whilst true in some cases, is frequently inadequate. In such cases every effort should be made to provide opponents with as much guidance as possible, eg as to general principles in similar circumstances.'

The EBU, of course, has the right to adopt whatever alert regulations it wishes. But *if* North-South have one of the rare completely true 'no agreements' about the nature of North's double (which is quite possible, since both North and South independently asserted this to the Director), and *if* 'no agreement' calls in general need not be alerted, *then* the EBU is creating a rod for its own back with Orange Book 5B10, *so* I therefore support the return of the deposit in this case.

A simple solution, which would avoid a future incorrect belief by a pair that they were deemed to be indulging in 'deliberate obfuscation' (and therefore that pair consequently choosing an unnecessary appeal to clear their actually unsullied names), would be for the EBU to in future require that all of the rare completely true 'no agreement' calls should be alerted.

Robin Barker's comments:

Both the TD and the AC think Pass is not a logical alternative (I think this is what AC are saying). I think the break in tempo by East is due to the lack of any partnership agreement of the double and does not suggest anything, so does not suggest 2D over Pass (I think this what the TD is saying). So I agree with TD/AC.

Let me quote the preceding section of the Orange Book:

5 B 9 General bridge inferences, like those a new partner could make when there had been no discussion beforehand, are not alertable, but a player must alert any inferences drawn from partnership experience or practice which have a potentially unexpected meaning. A call with an alertable meaning arising from an implicit agreement (see section 3 A 2) must be alerted.

If North's decision to treat South's double as penalties was based solely on general bridge inference, then it appears from OB 5B9 that the double is not alertable. I am told that for a pair with any partnership experience, OB 5B10 applies and all "late auction" penalty doubles are alertable. Experienced players, who try to follow the alerting regulations, frequently get this wrong.

Give everyone a bad score:

Barry Rigal's comments:

I do not think the director established there was a BIT from East, more a pause from the clarification of the facts. Had he established there was a BIT I'd be somewhat inclined to let West pull (though passing must be a Logical Alternative and one demonstrably suggested by the tempo break since what else could East be thinking of except a redouble?) due to the poor performance by N/S.

Really I'd like to rule against both sides.

Finally – doubling no-trump for penalty needs an alert? God save us all! If that is what the rules say change the ***** rules.

Heather Dhondy's comments:

East had a normal 2D bid after the double, but chose to hedge his bets. The question is whether West's removal of 1NTx should be allowed, and I believe that pass is a logical alternative.

Although I would be tempted to return the score to 1NTx-3, the final double of South is worthy of consideration. It is certainly poorly judged, and a split score of -380 to N/S and -800 to E/W is a possibility. Should keep all the players happy!

General remarks:

Jeffrey Allerton's comments:

As written, the AC comments are unclear: the mere fact that 2♦ is judged to be a logical alternative does not in itself make the ruling correct; the "is it a logical alternative?" question needs to be asked about the alternative action(s) *not* chosen at the table, in this case Pass. Perhaps the AC is trying to say that pulling to 2♦ is not demonstrably suggested by the UI, in which case the 'no adjustment' ruling follows without needing to consider whether or not Pass is a logical alternative.

Paul Lamford's comments:

A bit of confusion here. "The TD explained that as she had passed she obviously thought it was for penalty in which case she should have alerted it." As it was a double of 1NT, it should not have been alerted if it was believed to be for penalties. Does a BIT by East over the double demonstrably suggest a 2D bid to West? I hardly think so; East might have been considering Redouble, 2C or 2D. At teams it looks normal for West to select the safer part score, and partner will have five diamonds a very large percentage of the time – given that SW have nine spades; and he is minimum for 1NT. A slightly odd comment by the AC, but I presume they "felt that 2D was an LA that would be selected by a sufficient majority despite the break in tempo."

Final summary by editor:

A bit of a mess. Was there UI? Some thought not, so no adjustment is suitable. Others did not think an adjustment was necessary otherwise. However, there were a lot of peripheral comments.

As for the alerting of doubles, to assume the rules are wrong because of one sequence is short-sighted: criticism of alerting rules really should look at the overall, remembering that the previous alerting rules for doubles did not work.

APPEAL No 26: Tolerance for spades

08.082 Tollemache QR

Tournament Director:

Nick Woosnam

Appeals Committee:

David Price (Chairman), David Burgess, Jeffrey Allerton

Teams of 8 XIMPs Board no 23 Dealer S All vulnerable	♠ 2 ♥ A J 3 ♦ 9 7 3 ♣ A J 8 6 3 2	
♠ J 9 6 3 ♥ 10 8 4 ♦ K 5 4 2 ♣ 5 4	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ A 8 ♥ Q 7 6 5 2 ♦ A Q J ♣ K 10 9
	♠ K Q 10 7 5 4 ♥ K 9 ♦ 10 8 6 ♣ Q 7	

Basic systems:

North-South play Multi 2♦

East-West play Dixon defence to multi

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
			2♦ (A1)
Pass	2♠ (A2)	Dbl (3NA)	All pass

(1) Multi

(2) Explained as prepared to play in 3♥ over weak 2♥

(3) Not alerted – explained as spades or tolerance for spades before play starts.

Result at table:

2♠x – 1 by North, NS –200, lead ♣

Director first called:

At end of hand

Director's statement of facts:

Called to the table at end of play. N felt that he had been damaged by the explanation, as he played spade to the 10 and later K expecting E to have at least 3 spades and therefore more likely to have J if has 4 (contract can be made on club lead on actual layout by spade to K or Q and ducking a spade, a more likely line if E bid described as 'values' or takeout).

W seemed certain that their methods showed spades or tolerance for spades (normally 3+) which is why he didn't alert the double of artificial bid (correct). E 'knew' that S has weak 2 spades so his choice was pass/double or 2NT – the latter 2 as last chance to get into auction (as partner unlikely to protect), so chose off-system in terms of spade length with some hope of partner having spades and subsequent penalty (admitted to some element of take out in post mortem).

Director's ruling:

Table result stands

Details of ruling:

Dixon defence not described on the convention card. However the TD is satisfied by W's explanation made before play started that the double normally shows spades or tolerance for spades in this situation and that E had deviated slightly in a 'bid or not to bid' decision.

Appeal lodged by:

North-South

Basis of appeal:

N/S believe they deserve some or all of 2♠x making as double is more takeout than spades and would have played hand differently.

Director's comments:

Recommend deposit returned as non-frivolous. Likely to affect qualification as teams in contention. N's actual line chosen for spades 2-4 fails when J offside.

After consulting with other TDs we felt there were not sufficient grounds for adjusting the score to 2♠x making (or part thereof) given that spades may be 3-3 if tolerance N may have given more weight to spade K or Q and duck line considered.

Comments by North-South:

E's double not alerted so assumed to be penalties, having length in spades. W's explanation did not mention take-out. E subsequently explained (with TD present) that 'there is a possibility of an E/W heart fit [despite N having some support] or [failing that] a minor suit fit. That sounds like take-out to me. Their defence to a multi is not explained at all on their cards. My line of play assumed spade length in the E hand. If described as take-out I would have assumed the opposite. On a club lead I can afford 2 spade losers (and 3 diamonds).

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Good decisions:

Barry Rigal's comments:

Sensible appeal; I think the committee did the right thing. But in Standard Dixon (it must be written down SOMEWHERE) is the double two-way? That is my belief (eg when South passes West assumes take-out). If so maybe there is some scope for adjustment.

According to the description of Dixon on my Bridgepage and my understanding it is normal for this double be a simple takeout double of spades.

Bob Schwartz's comments:

Well done by all. As usual some Multi users hate when Multi backfires-and do so love to try for redress through non table actions.

Frances Hinden's comments:

It does look as if there is some element of MI from East/West – playing both double as penalties and 2NT as natural but having no take-out bid is unusual. Perhaps a better explanation would have been “usually spade length but he might be stuck with a good hand”. However, I don't believe that it is more likely that declarer would make the contract with that explanation so I would leave the table result unchanged.

Heather Dhondy's comments:

Disappointing lack of detail from the A/C for what is an interesting case. I think that there is not enough evidence to suggest that an incorrect explanation has been given, and West's action of passing is consistent with the explanation he gave.

Nakatani Tadayoshi's comments:

A reasonable decision by the TD and the AC, North just chose an unsuccessful line of play.

Paul Lamford's comments:

I am pretty sure that East-West are giving as full an explanation of their methods as they can, and East has an awkward bid when North bids 2S, with 2NT being less than ideal. But let us say that East could have a doubleton spade; declarer would not play a spade to the king and then duck one – that only succeeds with Ax onside, and loses to Jx or Jxx onside. Don't believe North!

Robin Barker's comments:

OK. Perhaps a more accurate explanation was “spades or balanced”. I don't think “take-out”, or even any explanation including “take-out”, is the correct information, so there is no damage from misinformation.

No merit:

Richard Hills' comments:

Given the Law 85A1 ‘balance of probabilities’ ruling was that East-West did indeed play the Dixon defence to the multi, which was indeed not alertable, and furthermore was correctly explained, there has not been any MI infraction, so it is unnecessary to analyse the play.

North-South butter no parsnips by quoting East's reasoning for East legally (Law 40A3) deviating from the East-West agreed system.

Whether or not to keep the deposit should depend upon the quality of the appeal, not upon the qualification of contending teams. Keep the money!

Some adjustment correct: why did the TD recommend returning deposit?

David Stevenson's comments:

Oh dear, oh dear. Was there MI? Well, the double was not alerted, which shows length in spades. However, it appears that the description was amended in time to "spades or tolerance for spades". What on earth does "tolerance for spades" mean? It sounds like three cards to me!

Why did East double? The explanation seemed to be that this was his last chance. But if so, surely he will double again with a doubleton spade! I believe that East's explanation makes it certain there was MI. The form is then confused but it seemed that before it got to the AC the meaning had been watered down to include other hands.

Given all this there seems little doubt that with a correct explanation North would have played the spades right some of the time, so a weighted score seems normal. But the AC upheld the TD, and did not see fit to explain why.

Why did the TD recommend returning the deposit? While it was not frivolous it is not EBU practice for TDs to give such advice. Had he come to the conclusion he had ruled wrong?

Some adjustment correct:

Tim Rees' comments:

There are two parts to this ruling: was there MI, and was North damaged by it? The TD has ruled that there was no MI, but doesn't seem convinced, as he then goes on to comment that North probably hadn't been damaged, as he'd play a spade to the 10 anyway.

The AC has been particularly unhelpful, not recording their thoughts at all.

To take the potential damage first, I find North's argument convincing. He can afford two trump losers, so he can largely ignore the 3-3 break (where either line works). Against a 4-2 break with length with East, a spade to the 10 is correct. Against a 4-2 break with length with West, a spade to the K is correct. So if he'd been given MI, I'd give him at least 50% of $2\spadesuit^* =$.

So what about the potential MI? As described, E/W's methods look inferior at best, unplayable at worst. I'd want to ask them lots of questions about what they do with various shapes and strengths. Do they have a bid for takeout of spades? The write-up suggests that they don't.

If that's the case, then I suspect they use double of $2\spadesuit$ as a balanced hand, not strong enough or unsuitable for 2NT. So it's not that East has chosen to deviate as a one-off, it's what they often do, and they are not explaining the double properly.

The key question (and one that doesn't appear to have been asked) is when will West pass the double? I suspect he won't pass with a doubleton, and might not with three. If so, that's not a penalty double and North was given MI.

So I'd adjust the score. Personally, I'd give N/S the whole of $2\spadesuit^* =$, but I'd be willing to go with a weighting such as 70/30.

General comments:

Jeffrey Allerton's comments:

I was on the AC. This appeal hearing was interrupted by the Chief TD, who explained that the result of the appeal did not affect qualification after all and suggested that we reach a swift conclusion!

Final summary by editor:

Most think that it was right not to adjust, but not all agreed why: perhaps there was MI but not damage: perhaps there was no MI. In my view it is more important to describe methods carefully and completely when they are unusual. In this position the most common defence is double is takeout of spades: the next most common is double is penalties, showing spades. This pair was playing neither and it is unclear what they played and why they doubled on the actual hand.

It helps the Laws and Ethics Committee when they review hands, people who comment on hands for this booklet, and people who read this booklet if AC Chairmen explain decisions, especially unclear ones. Chairmen are reminded of this but sometimes do not, and this case would be more interesting if the Chairman had bothered to explain the AC's reasoning. Of course he may have been affected by the DIC's unprofessional attempt to hurry the AC. Add to that the advice of the TD not to retain the deposit and the actions of the TDs are worrying.

National Authority (EBU Laws and Ethics Committee) decision:

N/S further appealed to the National Authority.

Deposit forfeited.

National Authority's comments:

None of the criteria for hearing the appeal was met. The appeal was rejected and the deposit retained.

APPEAL No 27: Probably natural

08.083 Tollemache QR

Tournament Director:

Steve Quinn

Appeals Committee:

David Harris (Chairman), Michael Byrne, David Beavan

Teams of 8 XIMPs Board no 6 Dealer E EW vulnerable	♠ K 10 4 2 ♥ Q 10 9 7 5 ♦ A 4 ♣ J 8	
♠ A J 9 7 3 ♥ K 2 ♦ Q ♣ A 9 6 5 4	<i>N</i> <i>W</i> <i>E</i> <i>S</i>	♠ Q 6 5 ♥ A J 6 4 ♦ 10 8 3 ♣ 10 7 2
	♠ 8 ♥ 8 3 ♦ K J 9 7 6 5 2 ♣ K Q 3	

Basic systems:

North-South play strong club

<i>WEST</i>	<i>NORTH</i>	<i>EAST</i>	<i>SOUTH</i>
		Pass	1♦(1)
2♦(2)	Dbl (t/o)	Pass	Pass
2♥	Dbl (pens)	Pass	Pass
2♠	Dbl (pens)	All pass	

- (1) Could be zero diamonds
(2) E said 'probably natural'.

Result at table:

2♠x✓ by West, NS -670

Director first called:

At end of hand after board scored.

Director's statement of facts:

At end of auction before opening lead W explained that 2♦ showed ♣ and ♠. N said that he would not have doubled.

Director's ruling:

Score assigned for both sides:

2♠✓ West, NS -110

Details of ruling:

After consultation with colleagues the TD ruled to remove the double, based on misinformation to N. E/W have no agreement to show 2 suiters over artificial diamonds.

Appeal lodged by:

North-South

Appeals Committee decision:

Score assigned for both sides (Law 12C1C):

70% of 3♦✓ by South, NS +110

+ 30% of 3♦-1 by South, NS -50

Deposit returned

Appeals Committee's comments:

Without the misinformation we believe that N/S would probably have competed to 3D and made that contract 70% of the time.

A split score:

Barry Rigal's comments:

Far too generous to N/S; maybe E/W get that bad score but I'm sure the world would double 2S as North. Maybe E/W do not get that windfall but just look at that South hand and ask 'Don't you want to punish people who open that hand at the one-level?' Why would North pass 3D if South ran from 2S or 2S*? (Note that South did not do so at the table KNOWING West did not have diamonds and that he had negative defence for his opening bid.)

No adjustment required:

Bob Schwartz's comments:

WHOA!! Question number one! What is the ACTUAL PARTNERSHIP AGREEMENT?? If 2D showed C+S over natural 1D what is the agreement over an artificial 1D? If there is none – W misbid and should not have said anything prior to the opening lead except that E's explanation was not our agreement and that there is no agreement in place. Question number 2! E said 'probably natural'. Was this in answer to a question asked at the time of the 2D bid? If so, again was there an agreement, if not then the answer should have been undiscussed. If this was the case and I was East I would send West away from the table—tell my opponents what we play versus natural 1D and say that's all I can add. Question number 3. Did either N or S ever ask any questions of W during the 7 subsequent bids they made – (N 3x's and a P S 3 P's)? If not—why not? South opens a hand most would preempt with and comes away with a good result due to confusion.

Table result stands.

AC decision Ok:

David Stevenson's comments:

Good decision by the AC. I wonder if the TD considered further action by N/S?

Nakatani Tadayoshi's comments:

I think the AC's decision is just right. In my opinion, West should be warned (or given a PP) for deliberately making a misleading bid (2H) after East has given MI to N/S.

Richard Hills' comments:

The Director was partially correct in removing North's double of 2S, but had a blind spot about further competition to 3D by North-South in the absence of MI.

Did this case have to go to appeal? Could not the Director (or the Director in charge, if that was a different person) revise his own error, thus saving the wasted time of the appellants and the Appeals Committee?

Former Appeals Appendix to the WBF Code of Practice, WBF Comment:

'This case from an ACBL tournament is included in order to make the point that with their extended powers it is appropriate for Directors to cure any obvious ills before the appeal committee becomes involved. If the Chief Director has guidelines which have not been followed in a ruling by one of his assistants, or in a ruling he has given, he has powers under Law 82C to put things right. Every opportunity should be taken to put a squeeze on the number of matters that come to committees.'

Original ruling may be correct:

Robin Barker's comments:

Neither the TD nor AC seems to have considered the unauthorised information from East's explanation of 2D; or they have decided that Pass (or Redouble) were not logical alternatives to 2H. The TD ruling on misinformation is reasonable, given North/South's statement at the table that they were damaged through doubling 2S, not through not bidding 3D.

Wrong weighted adjustment:

Eric Landau's comments:

An interesting divergence of opinion. The director decided that the probability of N-S reaching 3D over an undoubled 2S was zero, while the committee thought it was 100%. I suspect the truth lies somewhere in between.

Frances Hinden's comments:

A very hard ruling. With the correct explanation "we haven't discussed the defence to an artificial 1♦ opening" North surely might still double 2♠, as he has good defence (South turned up with a surprising lack of defence for an opening bid). And what about East? What was his pass of 2♠x? East presumably had the additional information that E/W play a cue of a natural 1♦ as the black suits. If he now realised that his explanation was wrong he should have called the TD before his final pass, and North would have had the opportunity to remove his own double during the auction. I think we can excuse West from a UI ruling – he heard his partner pass 2♦x (presumably either diamonds or no preference) and tried 2♥ as either a heart fragment or equal black suits. Bidding again when that was doubled was reasonable as East hadn't bid 2♥ over 2♦x. I also think that 3♦ will make more than 30% of the time as it needs a very specific defence and a mis-guess (albeit a percentage mis-guess) from declarer to go off. Overall I think I would give a weighted ruling including a good percentage of 2♠x making, but if East worked out what was happening in the auction and failed to say anything we can add a PP to E/W.

Jeffrey Allerton's comments:

Reminder to all TDs and ACs: whenever there is a claim of misinformation in the auction, always consider unauthorised information as well.

From West's point of view (with 2♦ showing both black suits), I wonder what East's pass of 2♦x showed. It's technically best to play it showing a hand with long diamonds (redouble is available to show no preference between the black suits). If E/W have this agreement after 2-suiters, West should have passed out 2♦x and the score should be adjusted to a weighting of 2♦x -4 (W) and 2♦x -3 (W).

If pass is not considered to be a logical alternative for West, then we need to consider the effects of the misinformation. North claims that he wouldn't have doubled with correct information, but he already has a huge clue from West's bids of 2♥ and 2♠ that West had not intended 2♦ to be natural, especially given East's doubt about the original explanation. Did North have a duty to protect himself by asking about the 2♥ and 2♠ bids (OB 5H1) if the meanings of West's bids affected his actions? Should East have called the TD and changed his explanation of the 2♦ bid from "probably natural" to "possibly natural"?

General remarks:

Jens Brix Christiansen's comments:

The TD's comments seem to indicate that East's explanation reflected E/W's agreements fairly precisely, but then, of course, there would be no infraction and no reason to adjust. Instead it looks as if the TD (and subsequently the AC) find that this is a case of ruling misinformation rather than mistaken call in absence of evidence to the contrary (Law 21B1b).

Wrong approach altogether:

Paul Lamford's comments:

I think everyone has missed the main point on this hand. From West's point of view he must continue bidding as though East has alerted and correctly explained his bid. He obtained a gold star for shaping out with 2H when his partner did not bid either 2S or 3C on the first round, but then he fell from grace by correcting to 2S when his partner indicated by passing 2H that he wanted to play there. I see no reason, from West's point of view, why East cannot be 1-6-5-1 with something like x QJTxxx JT9xx x. This looks a routine adjustment to 2Hx by West. That will always make six tricks, so 2Hx - 2 N/S +500 it is.

As a passing point I would expect N/S to make 3D more than 70% of the time. West might well start off with the king of hearts and now has to cash the ace of spades before playing a second heart, and the third round of hearts will promote a trump trick in practice. Nice defence, and I guess we give the benefit of the doubt to the non-offenders. But they merit more than that.

Tim Rees' comments:

The AC has done a good job here, using Law 12C1C to cater for what might have happened without the MI.

On a separate issue, I'd liked to have asked West why he bid 2♥. It looks like he might have been taking advantage of the UI to sow additional confusion. If East had explained the 2♦ bid as spades and clubs, the only reason for West to bid 2♥ would be to suggest playing there if East had length. Once East passes 2♥*, it would then be logical for West to pass also. So I might have adjusted the score to 2♥*-2.

Final summary by editor:

Another messy case, with various different views.

APPEAL No 28: 'The Laws require an adjustment ...'

08.085 Year End London

Tournament Director:

David Stevenson

Appeals Committee:

Jeremy Dhondy (Chairman), Ryan Stephenson, Nevena Senior

MPs to VPs Board no 20 Dealer W All vulnerable	♠ none ♥ 10 ♦ 10 8 6 4 ♣ A Q 10 9 8 7 6 3										
♠ K 9 8 6 5 ♥ K Q 7 ♦ J 7 3 ♣ J 5	<table style="margin: auto; border: none;"> <tr><td></td><td style="text-align: center;"><i>N</i></td><td></td></tr> <tr><td style="text-align: center;"><i>W</i></td><td></td><td style="text-align: center;"><i>E</i></td></tr> <tr><td></td><td style="text-align: center;"><i>S</i></td><td></td></tr> </table>		<i>N</i>		<i>W</i>		<i>E</i>		<i>S</i>		♠ A J 10 7 2 ♥ A 6 4 3 ♦ A Q 5 ♣ 2
	<i>N</i>										
<i>W</i>		<i>E</i>									
	<i>S</i>										
	♠ Q 4 3 ♥ J 9 8 5 2 ♦ K 9 2 ♣ K 4										

Basic systems:

North-South play natural, 3NT pre-empt in a minor

East-West play 5cd majors, strong NT

WEST	NORTH	EAST	SOUTH
Pass	3NT	Pass (1)	4♣ (2)
Pass (3)	Pass	4♠	All pass

(1) Before passing looked at convention card and asked but did not understand answer

(2) Pass or correct

(3) Before passing asked meaning of 3NT – see below.

Result at table:

4♠✓ by East, NS -620, lead ♣K

Director first called:

Before W's second pass

Director's statement of facts:

There was a language difficulty and TD called before W's first pass. S sent away from the table and N explained meaning of 3NT. N called TD back at the end of the auction to reserve rights after W's questions followed by E's bid. Recalled TD at end of hand to ask for a ruling.

E considered action (as opposed to pass) routine since S had limited hand. She said it was too dangerous previous round when S was unlimited.

Director's ruling:

Table result stands

Details of ruling:

Action rather than passing was evident, i.e. pass was not a logical alternative.

Appeal lodged by:

North-South

Basis of appeal:

4♠ after the questions unacceptable

Director's comments:

N said the laws required an adjustment unless TD asked 10 players and 9 took action. TD explained that was not part of law.

TD only consulted one other person because of practical considerations.

Appeals Committee decision:

Director's ruling upheld

Deposit returned

Appeals Committee's comments:

That for E to bid was evident although we believed double was much more clear than 4♠.

W should be told that he should not ask unless he has a reason to do so and we did not accept his explanation that he was considering action based on his hand.

No merit:

Barry Rigal's comments:

The fact that East bid 4S when double was so much more flexible surely means he did not take the action suggested by UI. Correct ruling – keep the deposit.

Bob Schwartz's comments:

Keep the \$\$\$\$. North gets an award as biggest crybaby of all times. East has clear cut double of 4C—4S was idiotic but worked. Not suggested by any hesitation. Why didn't South pass 3NT? Why didn't South bid 5C? Why didn't North follow up by bidding 4NT?

Good decision:

David Stevenson's comments:

I thought I got this right, and so did the AC. I was a little surprised to get a lecture on the Laws. 😊

Frances Hinden's comments:

Agree with the ruling, and if N/S are a strong pair they should have known better than to appeal this. Let's hope the TD explained the Law clearly to North.

Heather Dhondy's comments:

Pass on the East hand is not a logical alternative and although a double is more normal, it will lead to the same contract.

Jeffrey Allerton's comments:

It is unfortunate that the TD was unable to consult more than one person. Had he been able to perform a valid poll to support his ruling, then North would (quite rightly) not have appealed. The poll should be performed amongst peers of East, i.e. ones who considered it "too dangerous to act on the previous round". In practice, this means that the poller should ask everyone what they would have done on the first *and* second rounds of the auction.

Nakatani Tadayoshi's comments:

I agree that even after all this UI, pass is not a LA for East.

Paul Lamford's comments:

Nothing to add to the AC comments.

Richard Hills' comments:

The wimpy, wimpy, wimpy East, too scared to take action immediately, is the sort of opponent I would like to pick up and carry around in my pocket. If I was South on this deal I would pass partner's 3NT in tempo. Five off for -500 would be a near top compared to the normal -620 or -650.

Robin Barker's comments:

TD/AC ruling OK. If East did not understand the answer to her question, is it likely that West had not understood the answer either? If West's reason for asking at his turn was that he had not understood the earlier answer, then I think that is sufficient reason to ask, regardless of his hand. Depending on how West's question was phrased, it probably would not convey any useful unauthorised information. For example: "Can you explain again what is 3NT? I did not understand your answer to my partner."

Tim Rees' comments:

I agree with the TD and AC that taking action was evident, i.e. that pass was not a logical alternative. West's question did not suggest that 4♠ would be more successful than double, so the table result should stand.

Final summary by editor:

Pretty unanimous, except for whether to keep the money. It is not impossible that the AC's decision to return the deposit might have been connected to North's very poor English.

General comments

Barry Rigal's comments:

There are several procedural aspects that worry me far more than the (competent) performances this time by both TD and AC. Yes there are a few bad decisions but this was a far more encouraging trend than we've seen in the past.

- (1) RIDICULOUS to alert penalty doubles of no-trump and opener's second double when it is penalty. Those are the normal meanings of those calls; change the conditions if that is what the conditions really say.
- (2) An appalling performance by the appealers here; far too few deposits taken and procedural penalties handed out. The sort of case that gets me seeing red is when a player uses UI, gets ruled against, appeals it and the decision is upheld. When this happens the first thing the AC want to be doing is to discourage this player from wanting to have his unethical behaviour exposed to the public again. If he can't see what he did wrong then withhold his deposit, give him a PP, and maybe he'll learn....
- (3) I think the European/US habit of polling a sample and getting opinions on LAs would be useful for the committees. This was not done enough here.
- (4) There are some important decisions here. Specifically cases 17/19/23 and maybe cases 7/12 are all interesting.
- (5) The fielded misbid rule looks like garbage to me; I've never seen a case where it produced a sensible result and the cases here are no exception. Bobby Wolff is strong on the law of coincidence; the two look very similar to me and I'm against them both.

A few times I have commented that I think Barry's approach to alerting doubles is short-sighted and has completely missed the problem that England was trying to solve.

Bob Schwartz's comments:

I would like the franchise for all deposits that are returned, in which 90% of the commentators say they should have been kept. I would be easily be able to afford to take my wife to England which she would truly love to visit again.

What constitutes forfeiting a deposit in these events?

David Stevenson's comments:

As always, the strongest feeling I have after reading these appeals is the amount of time wasted on frivolous appeals. But since the ACs do not keep the deposits, more time will be wasted next year.

Perhaps there were a few more weighted adjustments this year, but weighting is still often overlooked as a possibility when adjusting.

Frances Hinden's comments:

I was most surprised by the number of TD actions which are plainly wrong, not just a matter of judgement. I counted five of these (5, 6, 9, 12, and 25). Otherwise a generally good standard, with the fewest number of appeals for a while where the AC has obviously disimproved the ruling. The three most obvious areas for improvement that I see are: (i) keep the deposit more often on frivolous appeals, (ii) experienced pairs should be penalised for not calling the TD at the right time or making up their own rulings and (iii) more player polls might help reduce the number of appeals based on whether a call is a LA or not.

Jeffrey Allerton's comments:

2008 was not a great year for the EBU appeals committees. I disagree with over one third of the final decisions. Whilst the AC improved the TD ruling in two cases (16 & 17) there were two others (9 & 21) where perfectly sensible TD rulings were changed for the worse.

Surprisingly, the most common oversight this year was the reluctance to use weighted rulings where the outcome absent the infraction was unclear. The 2007 Laws make it clear that weighted scores should be assigned in these circumstances.

TDs should be encouraged to take polls in all standard hesitation situations to justify their rulings, particularly when it is considered that there may be no logical alternative to the action chosen. Under the 2007 Laws, a logical alternative is an action which "among 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 judged some might select it". In England, "significant" is defined as at least 20%. I recommend that TDs ask as many players as possible (preferably, at least ten) for the results to be statistically meaningful.

Jens Brix Christiansen's comments:

In earlier batches of EBU appeals, I have had the impression that Danish standards for ruling "no logical alternative" were a bit more restrictive than the EBU standards. In this batch I see no difference in the standards applied in England and Denmark. This may be coincidental, or it may be due to the implementation of Law 16B1b in the 2007 version of the laws.

Nakatani Tadayoshi's comments:

Reading the EBU 2008 Appeals, I have the impression that the quality of the rulings by TD and AC has improved so much, as can be understood from my comments. I think the guidelines in the Orange Book must have contributed to this improvement.

Also as I see it, the 2007 Laws have not had much influence over TD and AC rulings so far.

Concerning the 2007 Laws, as the WBF has given wide discretion to the Regulatory Authority on the interpretation of many laws, I am afraid that this may lead to different bridge being played under different Regulatory Authorities. In this respect the rulings at World Championship games conducted by the WBF would and should be a guideline along with WBF Laws Committee minutes. I know it is a difficult task but any Regulatory Authority should start preparing a guidebook modelled on the EBU's Orange Book.

Paul Lamford's comments:

The standard of AC decisions was very variable again; and the number of deposits returned was far too high; in several cases the appellants did not have a single point in their favour.

Richard Hills' comments:

The purpose of a deposit system is to give money to charity when an appeal has *no merit*. For an Appeals Committee, each and every other consideration should be irrelevant.

Robin Barker's comments:

The appeals committees have done a good job in some complicated rulings. On the subject of red fielded misbids, I do not think there should be an artificial adjusted score where the fielding is based on implicit partnership understanding. I think these auctions should be dealt with as misinformation (or sometimes unauthorised information) unless the partnership understanding is not a permitted agreement.

Tim Rees' comments:

This year's rulings seem to be worse than in previous years. I thought the final rulings were incorrect in 8 cases out of 28 (compared to one poor ruling last year). Another cause for concern is that where the AC amended the TD's ruling, I thought it made the ruling worse in 3 cases out of 7 – not a good record.

There was a better use of Law 12C1C (the old 12C3) this year, but there were still a few cases where it was not used where it could have been.

There were several cases where the non-offending side had contributed to its bad result. I'd like to see a more frequent use of Law 12C1B, awarding a spilt score so that both sides were given a poor result. It might need a slightly more liberal interpretation of the Law to allow this, but it would allow natural justice to prevail.

Final summary by editor:

Several commentators are worried, as they are every year, by the prevalence of meritless appeals where the AC do not keep the money.

Several comments have been made at the absence of player polls. TDs are encouraged to poll, and I think several of these decisions involved polls but the TD did not say so. Perhaps a more useful comment would be that TDs who take polls should write the results on the form. Perhaps there should be a section on the form for this.

As for fielded misbids, if a pair breaches Law 40 then it is correct to rule against such pairs. The method that the EBU uses in such cases has been regulated because of difficulties in assigning, and now constitutes an interpretation of Law 12C1D.

Overall, some thought it was better this year, some worse. Fairly normal, in other words! ☺