

Subject of Appeal:	Unauthorized Information	Case:	N1
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Event	Nail Life Master Pairs	Event DIC	Ken Horwedel
Date	11/24/2017	Session	Second Qualifying

Auction

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

Explanation of Special Calls and Points of Contention

1: Heart Raise, No Alert

Hand Record

Board	23	N	Marshall Kuschner		
Dealer	S	♠	QJ10953		
		♥	5		
Vul	Both	♦	J754		
		♣	95		
W	Haig Tchamitch			E	Ida Groenkvist
♠	K87			♠	A64
♥	QJ1092			♥	A864
♦	AQ9			♦	108
♣	J7			♣	A1084
		S	Doug Kuschner		
		♠	2		
		♥	K73		
		♦	K632		
		♣	KQ632		

Final Contract	Result of Play	Score	Opening Lead
4♥ by W	Made 4	E/W +620	♠Q

Facts Determined at the Table

The Director was called at the end of the play. East thought 2NT was a raise of hearts; West said they had never discussed this auction and had no such agreement.

Additional Factors Determined Away from the Table

The Director gave the East hand to three players from the Senior Knockouts and asked them what they would bid at each of East's turns. All wanted to raise hearts and were comfortable with 2NT as a raise. At their next turn, all three bid 4♥. The players did agree that the failure to Alert did suggest that bidding would be more successful than passing 3NT, but none considered passing to be logical.

Director Ruling

The Director ruled that, while East may have had Unauthorized Information from West's failure to alert 2NT, the player poll indicated that passing was not a logical alternative. Therefore, per Law 16C2, the table result was ruled to stand.

Director's Ruling	4♥ by W, Made 4, E/W +620
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The Review

N/S requested a review of the ruling. They felt the ruling was not correct because the pollees played IMPs rather than matchpoints and because the pollees were not using (what they believed to be) E/W's methods. N/S thought that West's 3NT rebid showed 18-19 HCP. Lastly, they suspected the pollees were not of the caliber of the players involved.

The Reviewer spoke first to South who explained his belief about why the ruling was incorrect. South felt that passing 3NT was a LA for East if East thought it was an offer to play, or that a slam try would be a LA for East if she thought West had shown 18-19 HCP. In each case, the UI from the failure to alert would demonstrably suggest that 4♥ would work out better.

A total of ten players were given the East hand. Three considered that 3NT might be a non-serious slam try. One felt it was a close decision between 4♣ and 4♥; the other two signed off in 4♥. The other seven did not consider 3NT a slam try. Among those, six bid 4♥ and one passed 3NT.

The Reviewer spoke separately to East who explained that while their 2NT raise is game forcing in a non-competitive auction, it is limit-or-better in competition. She said that she would never treat opener's 3NT rebid as 18-19. While the Reviewer considered these statements self-serving, all of the experts consulted treated 2NT the way East described it, and none considered that West's 3NT would show 18-19.

Panel Findings

Only one of the ten players polled passed 3NT. The Reviewer treated it as an outlier; no one else considered 3NT might be the final contract. In legal terms, it was not deemed to be a "significant proportion" of the player's peers necessary to be considered a logical alternative. Of the players who thought 3NT might be a mild slam try, only one considered 4♣, and it was not clear he would actually select it. That would have been required in order to consider the action a logical alternative.

East was obliged by Law to call the Director at the end of the auction to inform the opponents of the failure to Alert and to correct the misinformation. She did not do so. The Reviewer did not consider the quality of the evidence the Director might have been able to collect had East called the Director at the proper time.

As neither 4♣ nor Pass was deemed to be a logical alternative, East's 4♥ bid was not prohibited by Law 16. The original ruling was ruled to stand.

In considering merit, the Panel discussed N/S's request for a review. The appellants' first argument was that the poll was flawed because of the players who were polled. The appellants alleged that they were neither strong enough players nor that they could reasonably understand matchpoint scoring. The Director polled players from the Baze Senior KO Teams. Although they were playing IMPs that day, there was no evidence that they did not comprise a peer group for East. There was also no reason to think that they could not respond ably to a question about a scenario using matchpoint scoring.

The other argument the appellants advanced was that the Director did not impose the correct methods on the players he polled. That is, East should have treated West's 3NT rebid as 18-19 HCP, which would have led to the auction getting too high. None of the players that the Reviewer polled considered that a possible meaning to this sequence, so there was no reason to believe East-West had this agreement.

The ruling was found to be legal, and the Reviewer found no evidence supporting any of the appellants' arguments. The appeal was deemed not to have merit, and N/S were given an Appeal Without Merit Warning.

Experts Consulted: Eric Greco, Bob Hamman, Joe Grue, Adam Grossack, Zack Grossack, Tom Paske, Alex Hydes, three others

Panel Decision	4♥ by W, Made 4, E/W +620
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Panel Members

Reviewer	Matt Koltnow
Member	David Metcalf
Member	Jenni Carmichael

Commentary

Goldsmith: I'm always suspicious of rulings where it is found that there are no other logical alternatives to the player's action. They are often wrong. In this case, I think 4♣ is clearly a LA. I even think it's the right choice. But opener has a minimum that got worse upon hearing the 2♠ overcall, so he's not cooperating; neither partner is going past 4♥.

Whether passing 3NT is a LA might depend on the systemic meaning of 3NT. Why wasn't this determined? If the answer is no agreement, which seems likely, as there was no agreement to the meaning of 2NT, then it's impossible to pass, because East doesn't know if it's natural. And it's clear not to pass 3NT if it is natural; West pretty much has a perfect natural 3NT, and 4♥ is still better than 3NT.

The AWMW seems harsh. The TD didn't consider any LAs except 4♥ and Pass. The argument that 3NT had to be 18-19 is pretty far-fetched and probably got them the AWMW. Only polling three players to conclude that there were no LAs to 4♥ is not sufficient to me, so I would not give an AWMW.

Marques: About the arguments from the appealing side: 1 - This is the first time I have seen this odd argument about the pollees being IMP-oriented and therefore not good enough at matchpoints. This argument might be valid if East was specifically a matchpoint specialist. 2 - East's hand is evidence that she intended 2NT as a heart raise, in which case 3NT as 18-19 does not make much sense if any at all. 3 - N/S also question the judgment of the TD to find players of similar ability to East. Not unheard of, and we don't know who the pollees were, but the Reviewer did a good job knocking this argument down.

Three points are missing on the TD's investigation: a) What is the meaning of 3NT from East's point of view, b) If 3NT is a slam try of sorts, is 4♣ a LA to 4♥?, and c) What is suggested by the lack of alert on 2NT. The Reviewer covered a) and b) well enough, and therefore c) became redundant.

The number of pollees in the initial poll was on the small side. Maybe time pressure was a determining factor on this.

Excellent job by the Reviewer. Perfectly deserved AWMW.

Meiracker: I agree with the ruling of the TD and the outcome of the Panel, but not with the appeal without merit. The polling was not correct and the TD didn't find out what 3NT meant.

Wildavsky: Everything about the process followed here seems wrong.

First of all the polling questions were incorrect. Per ACBL polling guidelines the players should be given only authorized information and then asked two questions: "What call would you make?" and "What other calls would you seriously consider?" Those questions allow the TD to determine LAs by applying Law 16B1. There is no point in asking the players which alternatives are logical - that is the TD's responsibility.

Secondly, Law 16B1b is careful to specify "Using the methods of the partnership." Thus is it crucial to know whether E/W were using a Serious 3NT, Non-Serious 3NT, or some other agreement. Neither the TD nor the Panel seem to have addressed this question. Nor do we know, if 2NT were natural, whether it would be forcing. This information is crucial in determining West's likely call over 4♣, had East bid it.

The issue of the likely result in 3NT is also not discussed. It looks overwhelmingly likely to me that East would take ten tricks. If that's the case, then N/S were not damaged by East's failure to Pass. They might, though, have been damaged by East's failure to cue.

I also fail to see how it was relevant that the experts consulted treated 2NT as East described it. The actual meaning E/W had agreed to assign to 2NT was not in question.

The Panel's understanding of Law 16 is suspect. The phrase they quote is out of context. The actual text is:

"A logical alternative is an action that a significant proportion of the class of players in question, using the methods of the partnership, would seriously consider, and some might select."

One of those polled not only might select Pass but would select it. It then becomes a LA if a significant number of those polled would seriously consider it. Because the polling seems to have been defective, we do not have this information. Since E/W would likely score ten tricks in 3NT, though, this does not seem necessary to the resolution of the case.

This appeal had substantial merit because the TD does not appear to have followed correct procedures. Sadly, neither did the Panel.

Willenken: Directors need to be very careful in situations where players remember a convention which they are not playing (perhaps we can call these positions 'reverse forgets'). We have absolutely no way of knowing what continuations East thought applied over 2NT, and we cannot obtain that information from E/W because there was no actual agreement in place. Perhaps West's 3NT rebid would show 18-19 balanced in another of East's partnerships. In that case, E/W would almost surely reach the five level and go minus if they were behind screens. Lest you think my suppositions fanciful, I actually have that precise set of agreements with a current partner.

Because we can never know what 3NT would have shown in East's mind, there was a real risk of a big E/W accident absent the wakeup call from the failure to alert. Polling cannot be helpful in assessing the likelihood of such an outcome because we cannot inform the polled players of the methods as imagined by East. I see no practical alternative to a policy of awarding an adjusted score in all such situations; perhaps there should be a 15% floor on the assessed likelihood of a disaster in reverse forget situations.

Woolsey: I feel the poll was inadequate, because the pollees did not have the proper information. They should not have been forced to judge the meaning of 3NT. The Director/Panel should have confirmed in the E/W partnership agreements whether, when an 8+ major-suit fit has been determined, 3NT is in the picture as a final contract. If not, the case is closed. If 3NT is a possible contract, the pollees should be given the auction with the explanation that 3NT is an offer to play. Then, if a substantial minority chose to pass 3NT, that would be sufficient to adjust the result. My guess is that with 4 trumps (which presumably weren't guaranteed by the 2NT call) and a doubleton that 4♥ would be the overwhelming

choice even if the 3NT call were interpreted as an offer to play (bidding 4♥ looks clear to me), but I would prefer a poll with the right information.

I do not agree with the appeal without merit. While I don't agree with the appellants that it is right to impose a 18-19 count to the 3NT call, I do agree that the poll was flawed.