

<b>Subject of Appeal:</b>	Break in Tempo, Unauthorized Information	<b>Case:</b>	N7
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<b>Event</b>	Reisinger BAM Teams	<b>Event DIC</b>	Matt Koltnow
<b>Date</b>	12/01/2017	<b>Session</b>	First Qualifying

### Auction

West	North	East	South
		1♦ <sup>1</sup>	Pass <sup>2</sup>
1♥	Pass	1♠	Pass
1NT	Pass	Pass	Pass

### Explanation of Special Calls and Points of Contention

1: Could be short, Precision
2: Break in Tempo

### Hand Record

<b>Board</b>	<b>30</b>	N	Jared Lilienstein		
<b>Dealer</b>	<b>E</b>	♠	Q86		
		♥	642		
<b>Vul</b>	<b>None</b>	♦	732		
		♣	AK54		
W	Brad Moss			E	Joe Grue
♠	KJ3			♠	A1075
♥	A1087			♥	KJ
♦	Q10			♦	J654
♣	J1072			♣	Q98
		S	Michael Polowan		
		♠	942		
		♥	Q953		
		♦	AK98		
		♣	63		

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
1NT by W	Made 2	E/W +120	♦7

### Facts Determined at the Table

The Director was called at the end of play by E/W to report that South had broken tempo briefly over the 1♦ bid. A kibitzer at the table agreed that South broke tempo over 1♦. E/W thought that the break in tempo suggested a diamond lead over another lead that could have resulted in more tricks for E/W.

### Additional Factors Determined Away from the Table

The Director gave the North hand as a lead problem to six players in the event not scheduled to play the board. Some chose to lead the ♣K or a small club, others chose a spade. When asked if they thought a break in tempo over the 1♦ bid suggested anything useful to them, they all thought it did not.

### Director Ruling

The Director ruled that the unauthorized information from the break in tempo did not demonstrably suggest one action over another and ruled that, per Law 16B1, the table result stood.

<b>Director's Ruling</b>	<b>1NT by W, Made 2, E/W +120</b>
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### The Review

E/W appealed the Director's ruling. The Reviewer spoke to East and West together with the kibitzer arriving at the end of the interview, and later to South (North and South sat out the second session and North was unavailable).

E/W were told that by regulation they were expected to show some error that the Director made in order to win their appeal.

West said the hesitation over 1♦ took 6-7 seconds; East said 5-7 seconds. They said that in their experience whenever a player hesitates over a nebulous 1♣ or 1♦ opening they always have that suit. Given that West bid hearts and East bid spades, from North's point of view all South could have been thinking about was diamonds.

E/W were surprised at the poll result. West thought it should have been polled as "if this is your hand and partner thought over 1♦, what is the most likely thing that would show?" They also thought that no one would lead a diamond on this auction and noted that their teammates, on the identical auction at the other table, led a high club.

The kibitzer said she thought South took 12-15 seconds over 1♦.

South agreed that he did not bid immediately over 1♦ but that the reason he did was his habit of maintaining an even tempo at all times. He said that whatever time he took was normal for him whether he has a problem or not, which could be confirmed by his first call on the first board of the round against the same pair (there was no video of this table). He argued that he had nothing to think about over 1♦ in any case.

### Panel Findings

The Panel reviewed the facts of the case and agreed with the Director that the balance of evidence indicated that South broke tempo over 1♦. While the Panel understood the E/W concern that the hesitation might show diamond values and that North's lead was not one selected by any of the polled peers, after confirming with the Director how the poll was conducted and who was consulted it found nothing wrong with the process. Since the poll results clearly showed that the hesitation did not demonstrably suggest a diamond lead, the table ruling was upheld.

The appeal was found to have merit.

<b>Panel Decision</b>	<b>1NT by W, Made 2, E/W +120</b>
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### Panel Members

<b>Reviewer</b>	Matt Smith
<b>Member</b>	Jenni Carmichael
<b>Member</b>	Kevin Perkins

### Commentary

**Goldsmith:** There's no way South takes 5-7 seconds before every call. If he did, E/W would have claimed he broke tempo before his last Pass. A BIT there clearly calls for a diamond lead. Furthermore, if he took six seconds before every action, he'd never finish a session.

I, too, am surprised by the results of the poll. I wonder if the poller mentioned that 1♦ was announced as "could be short." If South has a natural 2♦ overcall available, the inference that he has diamonds is reduced substantially.

The process the Directors followed seems solid, and with the data they had, the ruling seems pretty clear-cut.

I think a player memo is appropriate here. South probably just lost focus, and North just made a random opening lead that worked, but if there is a pattern of such events working out every time, we want to know it.

**Marques:** My lingering question after reading the write-up is about what the pollees were told concerning the 1♦ opening bid. If they were just told "could be short," I would call it "not good enough." If the information was something like "opponents are playing Precision, one diamond is nebulous, could be short," and the pollees are familiar with the method, I have no further remarks.

The write-up mentions that the Panel was satisfied with the way that the poll was conducted, so I have to presume that the pollees got the right information. The answers are surprising, but all consistent, and therefore I don't see any other choice than to confirm the TD's decision.

**Meiracker:** This is a difficult decision. When players were polled, nobody leads a Diamond, but they all stated that a hesitation doesn't give away any information. South has not really a problem with a balanced hand and a 9 count and we don't know the length of the hesitation.

**Wildavsky:** I agree with the TD and Panel decisions. The Panel should not have had to consult the TD to determine how he performed the poll, though. Per the ACBL Handbook, all polls must be conducted in writing. The reason is precisely to give an appeals committee or Panel the information they need to determine whether the poll addressed the proper concerns.

**Willenken:** Reasonable ruling on the merits, but a long hesitation with a balanced nine HCP is beyond the pale here. I would have liked to see a 1/6 board PP to N/S following the wise path of the Panel in case 4.

**Woolsey:** This hand bothers me. Certainly, the ruling that there is nothing in the UI as such which suggests a diamond lead is correct. What bothers me is South's actual hand. South doesn't have anything resembling a problem over the 1D opening, Precision or not. An expert or even a beginner has a totally routine Pass. Yet, the testimony is that South broke tempo over 1♦.

How long should South pause? It is clear that South should not bang out an insta-Pass. That transmits as much information as a slow Pass. It is proper for South to pause a bit. Just how long he paused I don't know. My guess is nothing out of the ordinary, in which case the table result stands. But if he really made a meaningful BIT, then he was very out of line and I don't like allowing the diamond lead.