

<b>Subject of Appeal:</b>	Contested Claim	<b>Case:</b>	N9
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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>	Second Qualifying

### Auction

West	North	East	South
1♦	1♠	2♦ <sup>1</sup>	Pass
2♥	3♣	4♣	Dbl
4♦	Pass	4♥	Pass
Pass	Pass		

### Explanation of Special Calls and Points of Contention

1: Shows Hearts, Alerted

### Hand Record

<b>Board</b>	<b>12</b>	N	Bill Bailey		
<b>Dealer</b>	<b>W</b>	♠	AK852		
		♥	(void)		
		♦	73		
<b>Vul</b>	<b>N/S</b>	♣	QJ7432		
W	Aleksander Dubinin			E	Andrei Gromov
♠	QJ96			♠	43
♥	QJ			♥	AK107632
♦	AQJ52			♦	K8
♣	85			♣	K10
		S	Max Schireson		
		♠	107		
		♥	9854		
		♦	10964		
		♣	A96		

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
4♥ by W	Down 2	N/S +100	♠A

### Facts Determined at the Table

The Director was consulted after the E/W compared with their teammates but within the allowable period to request a ruling.

The play to 4H was:

Trick 1: ♠A - ♣3 - ♠7 - ♠6  
 Trick 2: ♣Q - ♣K - ♣A - ♣5  
 Trick 3: ♠10 - ♠J - ♠K - ♠4  
 Trick 4: ♣J - ♣10 - ♣6 - ♣8  
 Trick 5: ♠8 - ♥A - ♠9 - ♠9  
 Trick 6: ♥2 - ♥4 - ♥Q - ♣5  
 Trick 7: ♥J -

At this point, West claimed conceding a trump. He thought he started with only eight combined trumps. South showed his remaining three trumps, and since he had not yet played to trick seven this confirmed West's misremembering of the trump suit. The players agreed to down two.

### Director Ruling

Law 68B indicates that declarer had conceded a trump trick to South, and the defenders had agreed to it per Law 69A. The Director was unable to cancel the concession by the standard of Law 71B, "if a player has conceded a trick that could not be lost by any normal line of play of the remaining cards." That law is footnoted with "normal" includes play that would be careless or inferior for the class of player involved." Playing a spade would be merely careless if declarer thought he had an inescapable trump loser, as would playing a diamond to the king and tossing a small trump on the table. The result of 4♥ by West, down two, N/S +100 was ruled to stand.

<b>Director's Ruling</b>	<b>4♥ by W, Down 2, N/S +100</b>
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### The Review

E/W appealed the Director's ruling. All four players and the N/S captain attended the review. E/W were told that by regulation they were expected to show some error that the Director made in order to win the appeal.

E/W said that after the ♥Q won and North showed out, West showed the ♥J with the expectation that the hand was now over. West said that he had probably miscounted his trump fit as being 6-2 at that moment, but it was not important since it was obviously easy to cross to dummy with the ♦K and draw two more trumps with the king and the ten. The table was five minutes late and there was some confusion about recording the score, but both East and West believed after seeing three hearts to the nine remaining in South's hand there was an inescapable trump loser and that the result was down two. E/W thought that South should have realized that he did not have another trick coming.

South said that while his memory of what happened was not perfect, he thinks West initiated the claim since it would have been unusual for him to have claimed without knowing at that point what was going on with the diamond suit. North also recalled that West initiated the cessation of play and South reacted to it by showing his cards.

### Panel Findings

The Panel agreed with the Director that it was clear that West had claimed/conceded, and at the point he did, he seemed to have lost touch with the number of outstanding trumps. If he had a clear understanding of what was happening, he would not have offered or agreed to down two. While in the rush and confusion of a late finishing round, N/S accepted a trick (conceded by much more experienced opponents) that they might have questioned under more normal circumstances. Accepting that trick did not rise to a violation of Law 79A2: "A player must not knowingly accept either the score for a trick that his side did not win or the concession of a trick that his opponents could not lose."

The Panel did not find the E/W argument compelling and agreed with the Director that it would not be worse than "careless or inferior" for a player who had lost track of how many trumps were outstanding to play the remaining cards in a way that would result in the defense scoring another trump trick for down two.

The ruling of 4♥ by West, down two, N/S +100 was upheld. The appeal was found to have merit.

<b>Panel Decision</b>	<b>4♥ by W, Down 2, N/S +100</b>
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### Panel Members

<b>Reviewer</b>	Matt Smith
<b>Member</b>	David Metcalf
<b>Member</b>	Jenni Carmichael

### Commentary

**Goldsmith:** I think playing on in any way other than crossing to the ♦K and playing trumps from the top would be weird. I don't think any other line is near "careless or inferior." "Bizarre, irrational, and ridiculous" is about right. Down one.

I have no problem with N/S's accepting the trick. They were rushed, and the claim took place in the middle of a trick, adding to the confusion. They ought to, however, have lobbied for the score to have been changed when they found out about the problem later.

**Marques:** The standard of "normal, careless or inferior for the class of player involved" is in question here. It's a recurring theme, and it's rarely clear-cut where to draw the line because we are stepping into the frontier between what is merely careless and what is beyond that.

In this particular case, however, I think that the TD and the Panel got it right. This player, having miscounted trumps, "knows" that South is always gonna make a trump trick. For him, there is no difference between playing spades or diamonds. I'm comfortable with "careless" here. Good decisions by the TD and the Panel.

**Meiracker:** After a pair compared with his teammates and at this moment declarer discovers that he misclaimed, the TD can only apply Law 71B, "if a player conceded a trick that could not be lost by any normal line of play." Normal can be careless or inferior.

West thought he had eight trumps together, so could easily just give up the trick by playing low from East.

**Wildavsky:** Good decisions. I do not see the merit in the appeal.

**Willenken:** A clearcut ruling. Where is the merit?

**Woolsey:** Clear down 2. Declarer had miscounted trumps and thought he had a trump loser. There is no particular reason to think he would have crossed to the king of diamonds and played his top trumps in his confused state of mind.