

Subject of Appeal:	Tempo (Illegal deception)	Case:	N4
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Event	Kaplan Blue Ribbon Pairs	Event DIC	Harry Falk
Date	11/28/2017	Session	First Qualifying

Auction

West	North	East	South
			Pass
1♣	Pass	1♦ ¹	Pass
1♥ ²	Pass	2♣ ³	Pass
2♦ ⁴	Pass	3♥ ⁵	Pass
4♥	Pass	Pass	Pass

Explanation of Special Calls and Points of Contention

1: Transfer to ♥
2: Balanced hand with 2-3♥ or 3♥ with a Singleton
3: Puppet to 2♦
4: Forced
5: Invitational, 6♥

Hand Record

Board	7	N	David Caprera		
Dealer	S	♠	10653		
		♥	QJ		
Vul	Both	♦	9752		
		♣	KQ7		
W	Barry Goren			E	Dror Padon
♠	A2			♠	K98
♥	K108			♥	A97653
♦	Q83			♦	K64
♣	A6432			♣	10
		S	Anne Brenner		
		♠	QJ74		
		♥	42		
		♦	AJ10		
		♣	J985		

Final Contract	Result of Play	Score	Opening Lead
4♥ by W	Made 5	E/W +650	♣Q

Facts Determined at the Table

The Director was called at trick five. After West won the opening club lead with the Ace, he ruffed a club in dummy, and cashed dummy's Ace. South broke tempo slightly. At trick four, declarer led another heart and South paused for one to five seconds before playing her last heart. Declarer played the 10, losing to the Queen.

Director Ruling

The one to five seconds' pause by South was considered a break in tempo. As there was no demonstrable bridge reason for the break in tempo, and an innocent West was damaged from drawing the false inference that South had a choice of plays, the Director adjusted the score to 4♥, making 6, EW +680.

Director's Ruling	4♥ by W, Made 6, E/W +680
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The Review

N/S requested a review of the ruling. They felt that one to five seconds should not be considered a break in tempo, and they further do not think that was what caused declarer to choose to finesse.

North, South and West met together with the Reviewer. At the review, N/S added that it would never be correct for South to play the Queen. Whatever she might have been thinking about, it was not playing the Queen. Therefore, an opponent using this information to decide his play could not be considered innocent.

West agreed that he erred; it had to be correct to play the King at trick four.

Panel Findings

Based on the input from the parties, the Reviewer felt that declarer used the information from the break in tempo at his own risk. Law 73D1 does not protect him in such a circumstance. At the same time, he felt that by the same Law, South needed to be more careful to play in tempo when following with her last card in a suit.

As such, the Reviewer restored the table result of 4♥ by West, making 5, EW +650. He gave a separate procedural penalty to NS of 1/6 board for failure to maintain even tempo, per Law 73D1, which says “it is desirable, though not always required, for players to maintain steady tempo and unvarying manner. However, players should be particularly careful when variations may work to the benefit of their side....”

Panel Decision	4♥ by W, Made 5, E/W +650 N/S: 1/6 Board Procedural Penalty
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Panel Members

Reviewer	Matt Koltnow
Member	Kevin Perkins
Member	Matt Smith

Commentary

Goldsmith: No one hitches there when they have Qx. Club players hitch when they don't have the queen. West should have got this one right.

I don't think a PP is appropriate. A player memo is. If this was an isolated event, it was surely an accident, and no punishment is appropriate. If this was part of a pattern, a much more substantial behavior change inducement is in order. By the time this got to review, West agreed that he had no case. Why wasn't there an AWMW?

Marques: The TD at the table failed to see that because South had no demonstrable bridge reason to think, the break in tempo, in this case, does not carry any specific information. No player would think on the second heart trick with Q4 under K10 in dummy. South did not have a “choice of plays.” Therefore, West took a guess at his own risk.

I find the procedural penalty harsh and the justification weak. It looks like it is based on the last sentence of the write-up: “Players should be particularly careful when variations may work to the benefit of their side.” In this specific case, the variation in tempo could not work to the benefit of N/S, so why award a 1/6 of a board against them?

Meiracker: This is very difficult for a TD to judge - 1 second is nothing and 5 seconds is a lot, when playing a card. West admitted he made an error!

I don't agree with the procedural penalty, because there is really no proof that South hesitated on purpose, to mislead the declarer.

Wildavsky: It would be unusual for a one-second pause to be judged out of tempo. Everyone seemed to agree that South appeared to have been considering a choice of plays, though, so perhaps it was closer to five seconds or perhaps it was otherwise clear to all concerned that South had a decision to make.

That said, I like the TD's decision and the Panel improved upon it. In my experience TDs do not award procedural penalties as often as they ought.

Willenken: Very strong decision including the PP. On the one hand, there would be no reason for South to hesitate with the trump queen, so there should be no score adjustment. On the other hand, huddles with no problem are damaging to declarer even if there is no chance of deception – they give the huddler extra time to think about the whole hand and therefore extra chance to conceal any defensive problems from declarer. Declarer is entitled to take advantage of the defense's need to think, so we cannot allow defenders to huddle over nothing plays in order to buy themselves extra time.

Woolsey: How can a 1 to 5 second pause ever be considered a BIT? Do we have to grab our card and bang it out instantly or risk being accused of coffeehousing? That is ridiculous.

Even if there was a BIT, it can't mean anything other than that South was a bit slow pulling the card out. Everybody knows South doesn't have a problem whether South started with xx or Qxx. There is no possible intent to deceive. Declarer made his read and he was wrong. The Director's ruling was terrible, and it was good to see the Panel properly overriding it.

I do not agree with giving N/S a procedural penalty. That sets a very bad precedent, where players have to play instantly or risk getting a procedural penalty. That is not the way we want the game to be played.