

<b>Subject of Appeal:</b>	Unauthorized Information	<b>Case:</b>	N5
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<b>Event</b>	Kaplan Blue Ribbon Pairs	<b>Event DIC</b>	Harry Falk
<b>Date</b>	11/28/2017	<b>Session</b>	First Qualifying

### Auction

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

### Explanation of Special Calls and Points of Contention

1: 15-17 HCP

### Hand Record

<b>Board</b>	20	N	David Bakhshi		
<b>Dealer</b>	W	♠	9742		
		♥	K96		
<b>Vul</b>	Both	♦	A8		
		♣	KJ72		
W	Alex Hudson			E	Jonathan Steinberg
♠	Q53			♠	J1086
♥	AQ85			♥	J432
♦	QJ10			♦	K62
♣	AQ10			♣	65
		S	Stan Tulin		
		♠	AK		
		♥	107		
		♦	97543		
		♣	9843		

Final Contract	Result of Play	Score	Opening Lead
2♥ by W	Down 1	N/S +100	♠4

### Facts Determined at the Table

The Director was called after E/W had left the table. E/W claimed South had asked a question about spades prior to the opening lead. South cashed both top spades, and North broke tempo slightly, following with the Nine. South continued a diamond to the Ace and trumped the spade return. North later scored the ♣K and the ♥K for down one.

The Director spoke to each partnership three times. Each time, E/W said that South asked about Spades before the opening lead was made. In conversations with N/S, one time North remembered himself to have been the one asking questions, while South asked nothing. During a different conversation, South remembered asking about Spades, but only after the opening lead was already face down on the table.

### Additional Factors Determined Away from the Table

The Director polled five players with the North hand as an opening lead problem on the given auction. Three players would lead a heart, and two players would lead a spade.

### Director Ruling

When the opposing sides cannot agree on the facts, the TD is obliged to make a ruling based upon the weight of the evidence he is able to collect, per Law 85. In this case, he determined that South asked a question about spades before the opening lead was chosen. By Law 16B, that question was deemed to be UI for North. It was further deemed to suggest a spade lead. Polling data showed that a heart lead was slightly more likely than a spade lead, so the result was adjusted by Law 12C1 to 60% of 2♥ by West, making two, E/W +110 and 40% of 2♥ by West, down one, N/S +100.

<b>Director's Ruling</b>	60% 2♥ by W, Made 2, E/W +110 40% 2♥ by W, Down 1, N/S +100
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## The Review

N/S requested a review of the ruling. They felt the ruling was made on an incorrect set of facts. The Reviewer spoke to both sides together. North, East, and West attended the review.

North reported that the Director spoke to him and his partner four or five rounds after this hand had been played. His description of the first conversation was corroborated by the Director; the TD had some of the facts confused and asked some irrelevant questions. North stated that he asked about the relative meanings of 2♣-2♦-2♥ vs. 2♣-2♦-2♠, such as what sorts of garbage or invitational holdings might be available to be shown. North knew East had less than invitational values, but he wanted to know whether 5-4, 4-4, or 4-5 were all possibilities.

North thinks South asked about Stayman before the lead was faced. North disputes the assessment of a demonstrable suggestion to the UI from his tempo at trick two. His partner had played the Ace followed by the King. That can only show a doubleton, which means that his play must be suit preference.

East said that South asked about 2♥. He only remembers South having asked questions, and he stated that North never spoke.

West remembered North to have asked whether his bid could be 5-4 or 4-5. He remembers South to have asked which major West would bid first with 4-4. Both East and West thought that the opening lead was not on the table before South asked East his questions

## Panel Findings

The Reviewer had a lot of conflicting facts, including testimony from East and West which contradicted each other. By Law 85, he had to come up with a set of facts upon which to make a decision. What seemed most likely from the testimony was that North asked questions of West at about the same time South was asking questions of East. These questions likely happened before the opening lead was selected, which meant that by Law 16B, they were unauthorized information to North.

The Reviewer polled five players with the auction and presented the opening lead as a problem. Three players led a heart; two led a spade. The players were asked a follow-up question. If you asked whether responder could be 5-4, 4-5, or 4-4 and partner subsequently asked which major would responder bid first with 4-4, would that help you select a lead? One player said that question was too deep for him, three of them said that it would not affect their decision, and one said that he felt there was a slight suggestion that a spade might work better than a trump (he had chosen a trump lead to start with). The Reviewer concluded that the UI did not demonstrably suggest a spade over a heart. Law 16B therefore did not apply, and the table result of 2♥ by West, down one, N/S +100, was restored.

Experts Consulted: Barry Rigal, Craig Kavin, John Diamond, Roger Clough, and Brian Platnick

<b>Panel Decision</b>	<b>2♥ by W, Down 1, N/S +100</b>
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## Panel Members

<b>Reviewer</b>	Matt Koltnow
<b>Member</b>	Jenni Carmichael
<b>Member</b>	Gary Zeiger
<b>Member</b>	Kevin Perkins

## Commentary

**Goldsmith:** The Director's ruling is illegal. If a spade lead was deemed to be a violation, it cannot be part of a weighted score.

It's hard to make a ruling without knowing what really happened. Normally, when the facts are in dispute, we believe the Director, but this time, he appears to have been confused.

I like the Panel's ruling. It seems likely that if South clearly asked about spades, and then North led a spade, then the Director would have been called immediately, not after the round.

**Marques:** A canceled score (due to UI) should not be included in any weightings (referred to as a 'Reveley Ruling'). Under the 2007 laws, there were minutes by the WBF Laws Committee that expressed this. The new laws (2017) incorporate this explicitly (Law 12C1c).

Therefore, the TD's decision is illegal. Either UI was used or not. If yes, the decision should be 2♥ making. If not, 2♥ down one.

This case is yet another example of the speed at which the perception of the facts changes. It's a pity that the collection of facts by the TD at the table took so long. By the time he heard all parties, each player had a different version of what happened. The Reviewer did an excellent job gathering the sparse bits of evidence, and his assessment of the

facts seems very reasonable. Given the facts as assessed, the Reviewer's poll had the right questions, and I think that it came to the right conclusion, that a spade lead was not demonstrably suggested.

**Meiracker:** The TD made a decision, but the facts were not very clear. The Reviewer did a better job and the change back to the table result seems fair to me, because the polled players stated that the questions asked would not affect their decision of what to lead.

**Wildavsky:** The TD misapplied the laws. When UI makes an action illegal per Law 16 the illegal action must not be included in the weightings mandated by Law 12. Because the Panel found different facts than the TD they did not need to weight any scores so did not need to correct that aspect of the ruling.

Usually the Panel would defer to the TD on findings of fact but here he clearly did not understand the case and so did a poor job.

Both the TD and the Panel might have given themselves an easier task had they noted that, if South asked questions while his partner was on lead, this would have been improper and E/W ought to have called the TD then and there. Not everyone does, but when the parties disagree as to the facts, the failure to call the TD promptly is a useful piece of evidence, one that cannot be disputed.

**Willenken:** A reasonable eventual Panel decision, but why wasn't highly experienced South given a PP for asking questions in a situation where clearly he should have known better?

**Woolsey:** First of all, the Director's ruling of 60% 2♥ making and 40% 2♥ down 1 is an illegal ruling. This is not what weighted averages are about. They are used when it is decided that the result must be adjudicated because of an improper action, but the proper adjudication is not clear. For example, suppose it were determined that the spade lead was illegal, but on a heart lead it wasn't clear whether 2♥ would make or not -- then a weighted average based on an estimate of the fate of 2♥ might be in order. But a weighted average is never used until the proper adjustment is made. If the spade lead is found to be legal (no UI, the UI doesn't suggest the spade lead, or there is no LA), then the table result stands. If the spade lead is found to not be legal, the hand is adjudicated depending upon the likely fate of the contract after the heart lead. But we do not take a weighted average of how likely the spade lead is with no UI. Either the spade lead is legal or it isn't. This is an important concept, which I fear many Directors do not understand.

The facts are unclear. However, if South was asking questions he is clearly out of line, particularly if he was asking specifically about the spade suit. This is a common auction known to any expert. Virtually everybody responds hearts first. Most important, when did South ask these questions? He wasn't on lead. He surely wasn't seriously considering acting over 2♥. The only motive for such questions, particularly anything mentioning the spade suit, could be to call partner's attention to spades. So, if it were determined that South was asking these questions, I would ban the spade lead, and assign South a procedural penalty.