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| Subject of Appeal: | Misinformation | Case: | N2 |
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| Event | Mitchell Open BAM Teams | Event DIC | Matt Koltnow |
| Date | 11/26/2017 | Session | First Qualifying |

Auction

| West | North | East | South |
|------|-----------------|------|-----------------|
| | Pass | Pass | 1♣ ¹ |
| Pass | 2♦ ² | Pass | 3♣ |
| Pass | 3♥ ³ | Pass | 3NT |
| Pass | Pass | Pass | |
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Explanation of Special Calls and Points of Contention

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| 1: Alerted, 16+ HCP |
| 2: Alerted, Game Force, 5+ ♦ |
| 3: Explanation Requested |
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Hand Record

| Board | 1 | N | Yuxiong Shen | | |
|---------------|-----------------|---|--------------|---|-----------|
| Dealer | N | ♠ | 103 | | |
| | | ♥ | J843 | | |
| | | ♦ | AK1097 | | |
| Vul | None | ♣ | 75 | | |
| W | Steve Weinstein |  | | E | Roger Lee |
| ♠ | K842 | | | ♠ | 965 |
| ♥ | 1095 | | | ♥ | AKQ7 |
| ♦ | Q43 | | | ♦ | 8652 |
| ♣ | J63 | | | ♣ | 108 |
| | | S | Zijian Shao | | |
| | | ♠ | AQJ7 | | |
| | | ♥ | 62 | | |
| | | ♦ | J | | |
| | | ♣ | AKQ943 | | |

| Final Contract | Result of Play | Score | Opening Lead |
|----------------|----------------|----------|--------------|
| 3NT by S | Made 4 | N/S +430 | ♠2 |

Facts Determined at the Table

The Director was called after dummy was tabled. No questions were asked immediately following the alerts of 1♣ and 2♦, but after the 3♥ bid East pointed to it and asked "what does that bid mean?" South thought the question referred to the alerted 2♦ bid and answered "8+ HCP and five cards". Both defenders heard "five hearts". Consequently, East passed and West led a spade against 3NT since he felt constrained from making his normal heart lead due to his partner's question. East told the Director he would have doubled 3♥ if he received the correct explanation that it was natural, but not promising five cards.

Additional Factors Determined Away from the Table

N/S were Chinese internationalists with limited English. The Director polled six players in an attempt to help determine responsibility for the misunderstanding that occurred. Three objected to the form of the question (pointing to the 3♥ call and asking specifically about the heart suit), preferring a more general question about the auction. Most were not satisfied with the answer given and would have asked follow up questions either to North or South before the opening lead. One polled player thought N/S were entirely responsible for the E/W misunderstanding.

Director Ruling

Law 21A states that no rectification or redress is due to a player who acts on the basis of his own misunderstanding. While both East and West seemed to understand that East was pointing to the 3♥ bid when the question was asked, South understood the question to be about the alerted 2♦ bid. Given the opinions of the majority of polled players as well as the fact that South was clearly not proficient in English, the Directors judged that E/W were

acting on the basis of their own misunderstanding and not entitled to redress. Therefore, the table result of 3NT by South, making four, N/S +430, was ruled to stand.

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| Director's Ruling | 3NT by S, Made 4, N/S +430 |
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The Review

E/W appealed the Director's ruling. All players and an interpreter attended the review. East's written reason for appealing was:

"I reject the framing of the problem as a misunderstanding. It was clear that the question was asked about 3♥ and not 2♦ as it is illogical to ask about 2♦ at this point in the auction with any hand. At a high level, it is clear to everyone that asking about 3♥ is just a formality since the auction is not unusual and must be in preparation of a lead directing double. The explanation '5+ hearts' could be made to deter such a double, although perhaps not intentionally done."

The Reviewer explained to the appellants that according to regulation the burden was on them to demonstrate that the Director's ruling was flawed in some way and, if that could not be shown, the appeal would likely fail.

In Reviewing the facts, East agreed that his question was something to the effect of "what does that bid mean?", although he did not recall the exact wording. West believed he asked "what is 3♥?" South said East simply pointed at the bid cards and looked at him but did not ask a question aloud. He also said he thought the question was about 2♦ and not 3♥ since 2♦ was alerted and 3♥ was not. West said the answer from South was "five card suit". West also said that East next asked about 2♦ and was told "8+ points". East agreed with that sequence of events.

East said he was under the impression from the exchange that 2♦ was artificial showing 8+ points of some kind and 3♥ clarified that it showed long hearts. The Reviewer suggested that starting his inquiry by asking about 3♥ seemed odd. East said that, in a high level game, there is no reasonable probability that he would want to know what 2♦ meant at that point in the auction after having passed without asking earlier. He said everyone at the table knew he was about to Double 3♥ for the lead barring an unusual answer to his question about what it meant.

West said that East's hand makes it very clear that if he had understood North to be showing five diamonds and four hearts he would have doubled and it is not right for E/W to suffer from South's inability to clearly explain what the bids meant. East and West said that at the table to them there was nothing ambiguous about what was asked and answered and therefore the Director's poll eliciting responses that more questions should have been asked was flawed. West also said he did not lead a heart because he thought it would be unethical to do so after his partner's question about the 3♥ bid.

The Reviewer asked South what he thought the sequence of events was. South said he answered "eight points, five cards" after East pointed to the bids and looked at him. North said through the interpreter that he did not hear a verbal question, but understood that the inquiry concerned the 2♦ bid since there would be no reason to ask about an apparently natural unalerted 3♥ bid. He did say that since the inquiry was not directed at him he was not paying too much attention to what East did or said.

Panel Findings

The Panel was troubled by the disagreement between the two sides about what was done and said at the table. In particular, that both sides adamantly disagreed whether a second question about 2♦ occurred, brought the validity of the Director's poll and the correctness of the ruling into question. The Panel decided that the best judge of fact was the Director at the table, so he was interviewed after the hearing about what he recalled.

He said that he did not recall any mention at the table of a second question being asked and believed that both sides agreed that the only answer given was "8+ HCP and five cards", and that E/W understood "cards" to be "hearts". He confirmed the accuracy of the description of the poll on the appeal form based on the facts as he knew them. The Panel confirmed that the players polled were all of expert level.

The Panel saw no reason to discard the facts as determined by the Director in light of what seems to have been a disagreement not stated at the table, and saw no flaws based on the procedure followed with those facts. Therefore the Panel upheld the ruling of 3NT by South, making four, N/S +430.

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| Panel Decision | 3NT by S, Made 4, N/S +430 |
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Panel Members

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| Reviewer | Matt Smith |
| Member | David Metcalf |
| Member | Kevin Perkins |

Commentary

Goldsmith: We are seeing more and more appeals caused by language difficulties. We need to come up with some general guidelines to handle them. I suggest that in cases where language issues are significantly to blame for a misunderstanding, we ignore fault and try to restore equity. These are often cases of disputed facts in which the Director cannot determine the facts. Law 85B addresses these cases, but only says he should make a ruling that will permit play to continue.

This one would have been avoided if East had followed correct procedure and asked, "please explain the auction." Maybe we ought to replace the stop cards with ones that say that. It is especially important to follow this procedure when the pairs have no language in common. But most players do not do this, so it's hard to blame East for not doing so.

I'm 100% sure that East would have doubled 3♥ had he been told the meanings of all the bids in the auction. It's clear there was a misunderstanding about the question and answer, and it's clear that language issues are at least significantly to blame. So I'd shoot for equity. If there had been no misunderstanding, the result would have been N/S +400, so that is how I'd rule.

The Panel did well to use the Director's report to judge disputed facts, though there were details of little importance this time.

Marques: East should know better than pointing to a bid to get an explanation about it. The limited English of N/S no doubt contributed to the misunderstanding, but I blame it mostly on East, and therefore agree with the TD's approach to the ruling and final decision.

The argument from East is a bit odd: "... asking about 3♥ is just a formality and must be in preparation of a lead-directing double..." 2♦ was alerted and 3♥ not alerted. I don't see the need to ask about 3♥ at this point, but I see the dangers of asking! Kudos to West, for not leading a heart.

An excellent example of how "facts" tend to change with time, and a demonstration of the essential principle that very often the best judge of fact is the Director at the table, for he is the one closer to the events as they happened.

Meiracker: 2♦ was alerted, 3♥ was not, and there was a language problem, while the actions of East are dubious. I would think that the proper question is: "What have you learned?" This should be an appeal without merit.

Wildavsky: Good work by the TD and the Panel. They might also have noted that the laws grant players the right to ask only about the entire auction, not a particular call. ACBL regulations make an exception for calls that are alerted, and 3♥ properly received no alert.

I understand that E/W felt hard-done-by, but their suggestion that South could have known that his explanation could work to his advantage seems vanishingly unlikely.

Willenken: An easy case to let the table result stand. Everybody knows what an unalerted 3♥ means in this auction-- length or strength in the heart suit. Furthermore, East's claim that "there is no reasonable probability that he would want to know what 2♦ meant at that point in the auction" and his claim that "he was under the impression from the exchange that 2♦ was artificial showing 8+ points of some kind and 3♥ clarified that it showed long hearts" are in direct tension with one another. Where is the merit?

Woolsey: I am rather shocked at East's actions. The 3♥ call was not alerted. Why should he think it is anything but natural, which it was? His questioning and the timing of it can only be UI to his partner. Furthermore, his statement that he would have doubled 3♥ if he knew it was a 4-card suit is totally self-serving. The opponents are in a game force, and for all he knows South has 4 hearts and is about to bid 4♥. There is no way he would have considered doubling 3♥.

N/S clearly did nothing wrong. They properly alerted the 2♦ call (since it isn't automatic that it is Game Forcing), and properly didn't alert the 3♥ call (since it is natural and what would be expected). East is totally out of line.

Kudos to West for not leading a heart. Had he done so, we would have been hearing an entirely different appeal.