

Subject of Appeal:	Permissible Convention	Case:	N4
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Event	Mitchell Open BAM Teams	Event DIC	Candace Kushner
Date	11/27/2016	Session	First Qualifying

Auction

West	North	East	South
	2♦ ¹	2♥ ²	4♥
5♦	Pass	5♠	Pass
Pass	Pass		

Explanation of Special Calls and Points of Contention

1: Hearts, weak (alerted)
2: Spades & minor

Hand Record

Board	17	N	Ron Pachtman		
Dealer	N	♠	43		
		♥	A108652		
Vul	None	♦	10		
		♣	QJ107		
W	Oleg Rubinchik			E	Igor Milman
♠	K8			♠	Q10652
♥	93			♥	7
♦	AKJ8543			♦	Q7
♣	86			♣	AK942
		S	Piotr Zatorski		
		♠	AJ97		
		♥	KQJ4		
		♦	962		
		♣	5\3		

Final Contract	Result of Play	Score	Opening Lead
5♠ by E	Down 3	N/S +150	

Facts Determined at the Table

The director was called at trick one. The 2♦ bid is legal in this event, but it requires a pre-Alert and a printed suggested defense. Neither was provided. West intended 5♦ as to play; East thought he was being given a choice between diamonds and spades.

Director Ruling

E/W were disadvantaged by N/S's failure to pre-Alert and provide a defense to 2♦, as required by ACBL regulation and governed by Laws 40B4 and 40B5. The TD ruled that E/W would not have had the accident if N/S had complied with the regulations and adjusted the score to E/W: Average Plus, N/S: Average Minus, per Law 12C1d. He did not give a procedural penalty for N/S's lack of compliance with regulation.

Director's Ruling	N/S: Average- E/W: Average+
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The Review

N/S requested a review of the ruling. They thought that the opponents could have called the director at the time of the 2♦ opening if they wanted protection. They used Michaels, a convention they play in other auctions, but East made an error later in the auction, which suggests it was not the lack of a pre-Alert or printed defense (it did not cover this continuation after a 2♥ takeout bid) which caused E/W's damage.

Panel Findings

The reviewer spoke with the DIC in order to get a better understanding of the application of Laws 40B5 and 40B4, in light of ACBL regulations regarding Mid-Chart conventions. The DIC ruled that ACBL convention regulations should not extend to redressing the damage caused by a pair's misuse of a convention they play regularly. 40B5 provides for potential redress to a damaged side, and it states a penalty may be given to a contestant in breach of regulation concerning permissible conventions.

The reviewer found that N/S were indeed in breach of this regulation, as they did not pre-Alert or provide a written defense, but he also found that E/W's damage was not a result of N/S's use of this agreement. As such, the reviewer restored the table result of 5♠ by East, down 3, N/S +150, and he gave a ¼ board procedural penalty to N/S.

Panel Decision	5♠ by E, Down 3, N/S +150 N/S: ¼ Board Procedural Penalty
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Panel Members

Reviewer	Matt Koltnow
Advisor	Steve Bates