

Subject of Appeal:	Misinformation	Case:	N1
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Event	Platinum Pairs	Event DIC	Terry Lavender
Date	03/11/2016	Session	First Qualifying

Auction

West	North	East	South
			1NT ¹
Pass	2♣	Pass	2♦
Pass	2♠ ²	Dbl	Pass
3♣	Dbl	3♦	Dbl
Pass	Pass	Pass	

Explanation of Special Calls and Points of Contention

1: 14+ to 17 HCP
2: Explained weak, ♠ & ♥

Hand Record

Board	19	N	Peter Frieden		
Dealer	S	♠ K9854			
		♥ 10			
Vul	E/W	♦ AJ63			
		♣ 1032			
W	Cheryl Mandala			E	Yul Inn
♠	10632			♠	A7
♥	87653			♥	AKJ2
♦	7			♦	109852
♣	874		♣	A9	
		S	John McAllister		
		♠	QJ		
		♥	Q94		
		♦	KQ4		
		♣	KQJ65		

Final Contract	Result of Play	Score	Opening Lead
3♦X by E	Down 4	N/S +1100	♠ Q

Facts Determined at the Table

After the 2♠ bid was made, East asked the meaning and was told that it was "garbage (or weak) with spades and hearts." East called the director when the dummy hit because the explanation did not correspond with the E/W holdings. East said he would not have changed his double of 2♠. Play continued.

At the end of the hand, North said that the agreement was described correctly; he and his partner had discussed it that morning, but he "took a view". North further said that he would have doubled 3♥. One of the N/S convention cards shows the pair plays garbage Stayman while the other card did not.

Director Ruling

Although N/S may indeed have the described agreement, without documentation, Law 75 states that the director must rule that the explanation was mistaken. If E/W were not told that North promised both majors, they would have ended up in 3♥. The Deep Finesse analysis and the results from other tables show that 3♥ will make. Since North stated that he would have also doubled 3♥, as per Law 12C, the result was adjusted to 3♥X by West, making three, E/W +670.

Director's Ruling	3♥X by W, Made 3, E/W +730
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The Appeal

N/S appealed the ruling and all four players attended the hearing. N/S explained that they had agreed to play "garbage Stayman" that morning. As noted by the director, one card showed the convention while the other did not. North explained that he wanted to be in game opposite four spades in his partner's hand, but to play in only 2♠ otherwise.

Committee Findings

The Appeals Committee agreed that North's action, although creative, was consistent with the agreement as stated. The committee did not agree that the assessment of "mistaken explanation" and the application of Law 75 were correct and restored the table result to 3♦X by East, down four, N/S +1100.

Dissent by Greg Herman (Ron Gerard concurring):

I believe the judgment of the committee to be in error for several reasons. The evidence supplied to the committee was:

1. Testimony from N/S that:

- a. The partnership had discussed the sequence the morning preceding the event.
- b. They had agreed 1NT-2♣; 2♦-2M were both non-invitational both majors.
- c. They had no agreement about 1NT-2♣; 2♥-2♠
- d. North did not wish to play 2NT opposite any hand but did want to play 4♠ opposite a hand with four spades. He therefore elected to treat this hand as non-invitational opposite a hand without four spades and game forcing opposite a hand with four spades by using Stayman rather than transferring initially.
- e. North thought for a couple of seconds before bidding 2♣; if their agreement was that 2♣ after Stayman was a light, shapely invitation, no thought would have been required.

2. N/S convention cards. One was scarcely marked and had no mention of any agreements regarding Stayman (nor an immediate 2♠ or 2NT response to 1NT); the other was marked in detail and included the phrase "garbage Stayman."

3. North's actual hand.

The table director had all of this information available at the time of his ruling, although the testimony heard before the appeals committee was inevitably more detailed due to the setting. Where practical, I do not believe it to be good practice for an appeals committee to "believe" or "not believe" player testimony.

Instead, testimony should be considered in the context of the evidence available, namely #2 and #3 above. Item #3, as North himself said, is a near textbook example of the unbalanced spade invitation – a common treatment for this sequence – and is highly indicative that misinformation was supplied.

Several points could be made regarding #2. First, the two convention cards are not similarly marked, which is consistent with a partnership having no or conflicting understandings. Second, there is some disagreement about the set of agreements garbage Stayman implies. The majority felt that this phrase specifically implies that responder's 2♠ following Stayman is to play; I did not believe that the phrase implied this agreement.

A quick perusal of several sources appears to support my belief. Some sources describe garbage Stayman as simply the understanding that Stayman may be bid with less than invitational values, planning to pass whatever partner bids; others describe responder's 2♥ rebid as non-invitational with both majors (some refer to this as crawling Stayman). But no source I consulted described a specific agreement regarding the 2♠ rebid.

Further, following the new Appeals Committee procedures implemented in Chicago, the committee is instructed to begin with the TD ruling and vary it only if there is significant evidence that the director erred in bridge judgment, in application of law or based his decision on incorrect or incomplete information. I do not believe any of these criteria were satisfied in this case, with N/S presenting no new evidence. N/S did not satisfy the burden of proof outlined in Law 75, and I therefore judge that E/W were misinformed.

Committee Decision	3♦X by E, Down 4, N/S +1100
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Committee Members

Chair	Ron Gerard
Member	Jan Jansma
Member	Bruce Rogoff
Member	Hendrik Sharples (scribe)
Member	Greg Herman