

<b>Subject of Appeal:</b>	Misinformation	<b>Case:</b>	R1
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<b>Event</b>	10K Swiss Teams	<b>Event DIC</b>	Ken Van Cleve
<b>Date</b>	03/11/2016	<b>Session</b>	Second Qualifying

### Auction

West	North	East	South
		1♠	Pass
2NT <sup>1</sup>	Pass	3♣ <sup>2</sup>	Pass
3♥ <sup>3</sup>	Pass	4♣ <sup>3</sup>	Pass
4♦ <sup>3</sup>	Pass	5♠ <sup>4</sup>	Pass
6♠	Pass	Pass	Pass

### Explanation of Special Calls and Points of Contention

1: Jacoby 2NT
2: Explained as Shortness
3: Control bid
4: General Slam Try

### Hand Record

<b>Board</b>	<b>26</b>	<b>N</b>	1950 MPS		
<b>Dealer</b>	<b>E</b>	♠	J		
		♥	K10973		
		♦	Q983		
<b>Vul</b>	<b>Both</b>	♣	1032		
<b>W</b>	2900 MPS			<b>E</b>	300 MPS
♠	K853			♠	AQ9762
♥	AJ54			♥	86
♦	K7			♦	(void)
♣	A95	♣	KJ864		
		<b>S</b>	5400 MPS		
		♠	104		
		♥	Q2		
		♦	AJ106542		
		♣	Q7		

Final Contract	Result of Play	Score	Opening Lead
6♠ by E	Made 6	E/W +1430	♦ A

### Facts Determined at the Table

N/S called the director after play. Before his lead, South had West explain the auction, which he did as above. South asked if East could be void in any suit, and West said he could be in clubs. South said that is why he led the ♦A but he would not have if he had been told otherwise. North told the director if she had been alerted and knew the meaning of the auction she would have doubled 3♥. When asked why she did not double anyway (what difference the failure to alert made in her decision not to double), she said she had no explanation. Both E/W convention cards were marked that 2NT was Jacoby.

### Director Ruling

East is a Chinese player with very little understanding of English. The director ruled, after speaking to West and examining the convention cards, that E/W did indeed have the agreement to play Jacoby 2NT. There was no misinformation at the point South chose his lead and East had no obligation to correct his partner's explanation (Laws 75, 20F5, 40C1, 40C2). Since North could offer no reason why she would have doubled 3♥ if correctly alerted as to the auction's meaning, the director concluded there was no correlation between her failure to double and the missed alert (40B4). The table result was ruled to stand.

<b>Director's Ruling</b>	<b>6♠ by E, Made 6, E/W +1430</b>
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### The Appeal

N/S appealed the director's ruling. All players and a translating teammate attended the review. Through the translator, East said that at the time West bid 2NT, he forgot his methods and thought he was playing it as natural and forcing. The reviewer was told that West (whose English and familiarity with ACBL procedures are much greater than

East's) had filled out both convention cards prior to the game as they discussed their methods. East said he briefly forgot what they had discussed, but when he heard his partner's explanation he realized what had actually been agreed.

Neither player said they had discussed the meanings of any follow-ups to 2NT, but both have played the convention for a long time and play that a three level response to 2NT shows shortness. East is an experienced player from China who has started back playing regularly after several years away from the game.

West said he alerted the 3♣ bid, but North and South both said they neither heard nor saw it. The reviewer told West that by regulation it is his responsibility to make sure the opponents know they have been alerted. South said that West actually said that the only suit East could be void in was hearts, but he somehow understood correctly that he really meant clubs. South said that is why he led the ♦A, but that he would not have otherwise.

North reiterated to the reviewer that she would have doubled 3♥ if she knew it was a control bid in support of spades instead of a natural suit bid. She said she thought her reasoning was obvious and was surprised that the table director didn't understand what she meant. The reviewer asked N/S if they were aware during the auction of the possibility that alerts had been missed. They stated that they thought East had a big two-suited hand.

E/W argued that if North had doubled 3♥ they might not bid to 6♠.

The reviewer noted to all of the players that the director should have been summoned at the end of the auction when the failures to alert were discovered. Law 20F5b instructs that West (who realized his 2NT bid was not alerted) should call the director and tell the opponents in the director's presence that there was a failure to alert. Following that procedure would have enabled the director to speak to North and South about what they might have done differently before the opponent's hands and the result were known,

### Panel Findings

The panel first addressed West's unauthorized information from East's failure to alert 2NT. The panel did not believe that was an issue affecting the result of the board.

Second, the panel discussed whether the agreements described by West at the end of the auction were actually in place, or whether his statements constituted misinformation. Law 75 states: "... the Director is to presume mistaken explanation, rather than mistaken call, in the absence of evidence to the contrary." As well, and related to that, the panel discussed whether East was bound by Law 20F5b after hearing his partner's explanation of the auction: "The player must call the Director and inform his opponents that, in his opinion, his partner's explanation was erroneous (see Law 75)...."

The panel decided that there was enough evidence that the Jacoby 2NT agreement as described existed to rule that there was no misinformation from West's explanation at the end of the auction (two convention cards were filled out during a discussion by the two players; the undiscussed 3♣ showing shortage being so common in general and normal to these two players). As well, the panel decided that East was not required to speak up; his partner's explanation reminded him of what the real agreement was, so it was not his "opinion" that his partner's explanation was erroneous. Therefore, South's contention that he would have made a more successful lead with different information became moot.

The panel next addressed North's contention that she would have doubled 3♥ if she had been properly alerted (2NT and 3♣) during the auction. Six players with between 1200 and 3000 points were polled and asked what they would do over 3♥ in an auction with no alerts; all passed. To varying degrees, all of the polled players were aware of the possibility that there had been missed alerts. When asked if those suspicions would lead them to ask questions at their turn, none said they would. When told of the alerts and their meaning, three of the six said they would double.

The panel concluded from that poll that North had satisfied the threshold of damage as defined in Laws 40B4 and 12B1. Three experts and two peers of the players involved were polled as to the likelihood that a double of 3♥ by North would result in E/W not bidding the slam. Two experts believed EW would still get to slam 80% of the time, and another thought it would cause them to get there only 40% of the time. The two peers thought it was still very likely that slam would be bid. Based on the result of that poll, the panel applied Law 12C1c and adjusted the score on the board to 75% of 6♠, down one, and 25% of 4♠/5♠, making five (all assuming a heart lead). Each result was IMPed against the score at the other table and weighted accordingly.

Consultants: Alan Sontag, Miguel Villas-Boas, Pratap Rajadhyaksha

<b>Panel Decision</b>	<b>75% - 6♠ by E, Down 1, N/S +100, 25% - 4♠ by E, Made 5, E/W +650</b>
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### Panel Members

<b>Reviewer</b>	Matt Smith
<b>Member</b>	Eric Bell
<b>Member</b>	Marilyn Wells