

<b>Subject of Appeal:</b>	Disputed Claim	<b>Case:</b>	R7
---------------------------	----------------	--------------	----

<b>Event</b>	10K Pairs	<b>Event DIC</b>	Ken Horwedel
<b>Date</b>	08/09/2015	<b>Session</b>	First Final

### Auction

West	North	East	South
		Pass	Pass
3♦	Dbl	Pass	3♥
Pass	4♥	Pass	Pass
Pass			

### Explanation of Special Calls and Points of Contention


### Hand Record

<b>Board</b>	<b>14</b>	<b>N</b>	8000 MPS		
<b>Dealer</b>	<b>E</b>	♠	KQ84		
		♥	AQ32		
		♦	8		
<b>Vul</b>	<b>None</b>	♣	A953		
<b>W</b>	6000 MPS			<b>E</b>	7000 MPS
♠	75			♠	J10932
♥	864			♥	K
♦	AKQ10653			♦	J4
♣	2			♣	KJ1074
		<b>S</b>	1800 MPS		
		♠	A6		
		♥	J10975		
		♦	972		
		♣	Q86		

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
4♥ by S	Down 1	E/W +50	♦ A

### Facts Determined at the Table

Declarer claimed after playing the ♥A, dropping the king, without stating a line of play. East asked his partner about an outstanding trump. They scored the board as down one and put the cards away. After East/West left the table, North then called the director. North reconstructed Declarer's and Dummy's hands and stated that his partner had claimed with a trump out. The director initially ruled that E/W got a trick. North later explained that his partner had just dropped the ♥K, right before showing her hand. When asked later why they had not said anything about any outstanding trump, South said that their hearts were all high, and they just did not say anything about pulling the last trump.

### Director Ruling

After confirming the play up to the point of the claim, the director ruled that declarer was able to continue drawing trump. Law 70A states that directors should be as equitable as possible to both sides, and the ACBL Tech File guidelines for Claims say that a safety check with a high trump is considered a normal line of play. The result was changed to 4♥ by South, making 4, N/S +420.

<b>Director's Ruling</b>	<b>4♥ by S, Made 4, N/S +420</b>
--------------------------	----------------------------------

### The Appeal

The East/West players appealed the director's ruling, and North, South, and West appeared at the screening session. All confirmed that play had gone ♦A, followed by the ♣2 to the King. A Club was returned and trumped by West. The ♦K was led and trumped in Dummy, and then the ♥A was led, dropping the King. Declarer then claimed without stating a line of play (with a trump outstanding in the West hand).

At the table, East asked their partner if they had a trump (after a pause, according to East; immediately, according to North). When they said they did, the North player slammed his cards back into the board and conceded down one. South said nothing.

According to North, after East/West left the table for the next round, South asked their partner why they had to lose another trick, claiming that they were aware that there was another trump outstanding. At this point, North called the director and explained the situation. South remained silent.

At screening, when South was asked why they had not said anything, South shrugged, and repeated that they just said nothing.

### Panel Findings

Law 70A states that a doubtful point to a claim shall be resolved against the claimer, and Law 70C postulates that an outstanding trump cannot be drawn if "it is at all likely" that the claimer, at the time of his claim, was unaware that a trump remained in an opponent's hand. However, the timing of a claim is often indicative of the state of declarer's mind at the time.

For example, when declarer starts drawing trump, learns that they break and can be drawn successfully, then claims, it can be assumed that declarer's intent was to finish drawing trump. Here, the claim was precipitated not by the trump breaking, but by the relevant honor falling. The panel, despite serious concerns about declarer's lack of a statement at any point, decided that declarer had to be aware of the outstanding trump, and it did not meet the requirements of Law 70C2 that "it is at all likely that claimer ... was unaware that a trump remained in an opponent's hand." Declarer's claim was accepted, and the result of ten tricks by declarer was upheld.

While the ruling matched that of the table director, the committee's reasoning did not. If the director's ruling was based on the idea that declarer was allowed a "safety check" in trump, then that would be a valid basis for appeal. The laws do mandate a high bar regarding claims with an outstanding trump that was not mentioned by declarer, and the panel believed that this decision was close. Thus, the appeal was found to have merit.

<b>Panel Decision</b>	<b>4♥ by S, Made 4, N/S +420</b>
-----------------------	----------------------------------

### Committee Members

<b>Reviewer</b>	David Metcalf
<b>Member</b>	Eric Bell
<b>Member</b>	Matt Koltnow