


<b>APPEAL</b>	<b>NON-NABC+ FOUR</b>
Subject	Claim
DIC	Susan Doe
Event	North American Pairs, Flt. B
Session	First Qualifying
Date	March 15, 2015

BD#	<b>18</b>
VUL	<b>N/S</b>
DLR	<b>E</b>

<b>1950 masterpoints</b>	
♠	8742
♥	KJ96
♦	J42
♣	K10

<b>650 masterpoints</b>	
♠	AJ10
♥	107
♦	Q108
♣	J9543

	
<b>680 masterpoints</b>	
♠	KQ653
♥	Q532
♦	653
♣	A

<b>850 masterpoints</b>	
♠	9
♥	A84
♦	AK97
♣	Q8762

West	North	East	South
		<b>1♦</b>	<b>1♠</b>
<b>2♦</b>	<b>2♠</b>	<b>P</b>	<b>P</b>
<b>P</b>			

Final Contract	<b>2♠ by South</b>
Opening Lead	<b>♣4</b>
Table Result	<b>Down 1, N/S -100</b>
Director Ruling	<b>2♠ by S, Down 2, N/S -200</b>
Panel Decision	<b>2♠ by S, Down 2, N/S -200</b>

**The Facts:** The opening lead was a club to declarer's ace. Declarer played a heart to West's ten, dummy's king, and East's ace. East cashed two high diamonds and played a third diamond to West's queen. West exited a club, won in dummy with the king. Declarer led a trump to his queen, losing to West's ace. West exited a heart, won in dummy with the nine. The position was now:

	<b>North</b>	
	874	
	J9	
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<b>West</b>		<b>East</b>
J10		---
---		---
---		97
J95		Q87
	<b>South</b>	
	K653	
	Q	
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With the lead in dummy, Declarer led a low spade from the dummy. When East showed out, South claimed, placing a low spade on the table, and saying he would lose two tricks to the Ace and Jack of spades.

Declarer later stated to the director that he had immediately corrected his initial statement. This was not mentioned in the initial call to the table, and the opponents claimed otherwise.

**The Ruling:** Declarer initially believed he was losing to the Ace & Jack of spades. Later changes are irrelevant - his initial frame of mind is what is considered. After West wins the spade and returns a club, declarer could lose a trick either by letting West ruff a heart, or by playing a low spade from hand. Given that he believed West to hold a singleton ace of trump at this point, either play was possible. The score was adjusted to 2♣, down 2, N/S -200.

**The Appeal:** South appealed the director's ruling.

South described the situation at the time of the claim as:

“When East showed out, I thought I had two trump losers - the Ace & Jack of spades - and so claimed, asking West if he had Ace & Jack. I immediately remembered that the Ace had been played already, so I had one loser.”

West's description [partly paraphrased]:

“When he asked about my spade holding, [I exposed my hand]. South now said, ‘Oh, you have the Jack-Ten!’”

**The Decision:** While sometimes it is not always possible to reconstruct the precise events that occurred at a table, the panel judged that, even if declarer did not see West's hand before correcting his statement, it was more likely than not that, based on the opponents' hesitation after the claim, he sensed there was something wrong with the

claim. This made it easier for him to reconsider, and remember that the trump ace had already been played.

Thus the correction to the claim was treated not as a misstatement, but as a change of mind, and thus not accepted (Law 70D1: “The Director shall not accept from claimer any successful line of play not embraced in the original clarification statement if there is an alternative normal\* line of play that would be less successful”). The director’s argument that, given that declarer originally thought the sole remaining missing trump was the Ace, and so playing his heart was a reasonable play, is valid, and East/West would take both trump tricks. The panel upheld the director’s ruling of 2♠, down 2, -200 for N/S.

The panel considered whether the appeal had merit. The reviewer testified that the South player filing the appeal did not seem to have a firm understanding of the basis of the director’s ruling, and the reviewer spent some time explaining it to him. Given his lack of experience and understanding, it was felt that an Appeal without Merit Warning was probably not appropriate.

**The Panel:** David Metcalf (Reviewer), Mark Labovitz, Jenni Carmichael

**Commentary:**

**Marques** – “I claimed, asking West if he had AJ” is a strange statement... Especially if declarer said also “I thought I had two trump losers”.

What is perceived by the TD during the initial call to the table is very often the closest information about the true facts that we will ever get. It seems that the TD got a good impression of the facts from the start.

Declarer conceded two tricks, checked West’s hand and finally woke up. Perfect decision. However, the TD should explain his reasoning and decision after the play is over, especially if it seems like it will originate an appeal. An appeal “almost without merit” would probably have been avoided, if that was done.

**Kooijman** – Good ruling, I give up on the merit issue.

**Goldsmith** – Contested claims are hard. This one is easier than most; if South thought the ♠K and ♠6 were equals, there's no reason for him to play one over the other, and that means he's going down two. On the other hand, Law 70E2 says that we can say that it is normal to play suits from the top down, and if we invoke that, we can rule down 1. If the declarer had not mentioned that there was a trump out, then Law 70C would apply, but he did. That law does not say anything about mentioning the wrong trump's being out. Ruling down 1 is, however, a stretch. I bet Edgar would have done it, and I'd be pleased if the laws were such that down 1 is the right ruling.

This ruling does not preserve equity and looks bad to anyone who doesn't know the laws well. There's no way I'd even consider giving someone an AWMW in a case in which it looks like he was unreasonably screwed over.

**Woolsey** – This looks right. Declarer clearly had no idea that the ace of spades was gone. Given that he thought the AJ of spades were out, if he had to play the hand to

conclusion, there is no reason to think he wouldn't have played a small spade now and another small spade later.

**Wildavsky** – I see no merit to the appeal.

**Martel** – OK.