

Subject of Appeal:	Mistaken Claim	Case:	N3
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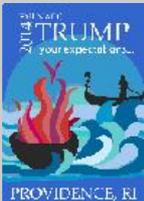
Event	Mitchell Open BAM Teams	Event DIC	Candace Kushner
Date	12/01/2014	Session	First Final Session

Auction

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

Explanation of Special Calls and Points of Contention

Hand Record

Board	22	N	Boris Baran		
Dealer	E	♠	8753		
		♥	A73		
		♦	A4		
Vul	E/W	♣	10843		
W	Steven McConnell			E	Rich Reitman
♠	J2			♠	AKQ64
♥	KQ62			♥	(void)
♦	Q65			♦	K9732
♣	KQ75			♣	J62
		S	Dan Jacob		
		♠	109		
		♥	J109854		
		♦	J108		
		♣	A9		

Final Contract	Result of Play	Score	Opening Lead
3NT by W	Made 4	E/W +630	♥ 3

Facts Determined at the Table

The play went low heart to the 8 and king; low club to the jack and ace; ♥J, ducked all around; ♥T, ducked to the ace. North returned a spade and declarer cashed five rounds of Spades, throwing three diamonds from his hand. South pitched three hearts while North discarded a diamond. Declarer now led a club from dummy in this four-card end position:

♠ —	♠ —	♠ —
♥ Q	♥ —	♥ —
♦ —	♦ A	♦ K 3
♣ K Q 7	♣ 10 4 3	♣ 6 2
	♠ —	
	♥ —	
	♦ J 10 8	
	♣ 9	

In this end position, South conceded the remaining tricks. Hands were folded up so that North did not see all of the cards. He did not object to the concession until the score was entered and the opponents had left the room. The Director was summoned at the end of the round.

Director Ruling

Law 71 states that a concession may be cancelled if a player has conceded a trick that could not be lost by any normal play of the remaining cards. "Normal" includes play that would be careless or inferior for the class of player involved. North's delay in objecting to the concession led the director to consider that if South had the ♣9, North may not have made the right pitch when declarer cashed the ♥Q. Therefore, the table result was allowed to stand: 3NT by West, making four, E/W +630.

Director's Ruling	3NT by W, Made 4, E/W +630
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The Appeal

N/S appealed the ruling and attended the hearing. South testified that his opponents seemed anxious to leave the table (because of time pressure), and that he felt similarly. Declarer made some motions which South interpreted to mean that declarer had the rest of the tricks. South folded up his hand in what he believed was an acceptance of declarer's claim.

South agreed that he had been mistaken to act as he had, and that his action could have been, and in fact was, interpreted as a unilateral concession.

North testified that he objected as soon as heard the score as 10 tricks for E/W. By this time, E/W had just left the table.

Committee Findings

The appeals committee agreed with the director that South's actions constituted a concession of the remainder of the tricks. The committee also agreed with the director that North's objection was not made immediately in the sense intended by Law 68B2, which says, in part, "if a defender attempts to concede one or more tricks and his partner immediately objects, no concession has occurred."

The decision then hinged on Law 71. The committee judged that for North to discard a club on the ♥Q would be beyond careless or inferior. Not only had West bid clubs, he had failed to support diamonds twice. His shape was almost certain to be as it was. The committee judged it overwhelmingly likely that, had play continued, the defense would have taken one more trick. Accordingly it assigned the result of 3NT by West, making three, to both sides.

Committee Decision	3NT by W, Made 3, E/W +600
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Committee Members

Chair	Aaron Silverstein
Member	Craig Allen
Member	Adam Wildavsky
Member	Eugene Kales
Member	Ed Lazarus