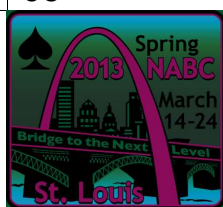


<b>APPEAL</b>	<b>Regional Six</b>
Subject	Misinformation
DIC	Kevin Perkins
Event	Sunday A/X Swiss
Session	First Session
Date	March 24, 2013

BD#	<b>15</b>
VUL	<b>N/S</b>
DLR	<b>S</b>

<b>6000 masterpoints</b>	
♠	6542
♥	93
♦	KQJ83
♣	65

<b>6000 masterpoints</b>	
♠	--
♥	Q87
♦	10976542
♣	742



<b>2250 masterpoints</b>	
♠	AJ73
♥	AKJ542
♦	--
♣	KQ9

<b>6000 masterpoints</b>	
♠	KQ1098
♥	106
♦	A
♣	AJ1083

West	North	East	South
			1♠
P	3♦ <sup>(1)</sup>	3♠	4♣
4♦	X <sup>(2)</sup>	4♥	4♠
5♦	P <sup>(3)</sup>	5♥	P <sup>(3)</sup>
P	X	P	P
P			

Final Contract	<b>5♥X by East</b>
Opening Lead	♠Q
Table Result	<b>Down 2, N/S +300</b>
Director Ruling	<b>5♥X by East, Down 1, N/S +100</b>
Committee Ruling	<b>5♥X by East, Making 5, E/W +650</b>

- |     |  |
|-----|--|
| (1) | <b>Alerted and explained as Bergin; Four spades, minimum raise</b> |
| (2) | <b>Alerted and explained as takeout</b>                            |
| (3) | <b>Explained as the equivalent of a penalty double</b>             |

**The Facts:** The director was called at the end of the hand. The play had proceeded ♠Q, won with Ace (club discard from dummy, discouraging 6 from North); spade ruffed to dummy; diamond ruffed back to hand; spade ruffed to dummy; diamond ruffed low by declarer and overruffed by South; trump exit by South. West told the director that if East knew diamond length was on her right she would have ruffed the second diamond back to her hand high and made the hand. East did not speak to the director.

The director found that in some situations N/S invert the meaning of pass and double. South thought it applied to North's double of 4♦, but North did not. Both agreed that the agreement applied to their later passes over 5♦ and 5♥. N/S did not ask any questions of the E/W auction.

**The Ruling:** The director found that South's explanation of North's double of 4♦ was misinformation (Laws 20 and 75) and that it damaged E/W in the play since East did not appreciate the danger of an overruff by South (Law 40B4 and Law 47E2b). However, the director believed that after, a high ruff by East, it was implausible that a pair of N/S experience would not defeat the contract. After pitching a club on the diamond ruff, followed by another spade ruff in dummy, South would next win the club ace and lead his last spade for partner to uppercut declarer. If declarer refused the uppercut another diamond from North would promote South's ♥10. The score was changed to 5♥X by East, down one, NS +100 (Law 12C1e).

**The Appeal:** E/W appealed the director's ruling. The reviewer met separately with N/S and E/W. N/S confirmed that they had a misunderstanding about whether pass-double inversion applied to North's double of 4♦. North and South each have 6000 eligibility points assigned to their ACBL records due to experience in other bridge organizations.

E/W also confirmed the facts as stated by the director. West thought that a defense which required the right discard on the second diamond ruff, avoiding a club return upon gaining the lead, and having partner ruff with his nine was not nearly as likely as the director did. The reviewer did tell West that the argument of East ruffing high with the correct information would carry more weight if East had been the first to offer it.

**The Decision:** South's explanation to E/W that the double of 4♦ was takeout was not actually the N/S agreement, so legally it was misinformation. Law 40B4 states: "A side that is damaged as a consequence of its opponents' failure to provide disclosure of the meaning of a call or play as these Laws require is entitled to rectification through the award of an adjusted score."

In order to determine if East's play of ruffing low was affected by the misinformation that South provided, the reviewer gave the East hand to three of her peers with approximately the same number of masterpoints. When told that the double of 4♦ was not alerted, one player ruffed high and the other two were not sure whether to ruff high or to play South for having false carded with the ♦A and ruff low (one of those two did not agree with East's earlier line of play since he would have ruffed the opening spade lead in dummy). All agreed that on the line of play taken, ruffing low would have been normal if the double had been described as takeout.

Next, the reviewer gave the South hand as a play problem to three experts. All three pitched a club if East ruffed the second diamond high. All three won the subsequent club lead from dummy after a third spade ruff. Two of the three then returned a spade hoping for an uppercut, while one believed that couldn't be successful and returned a trump. As to whether the spade return would be ruffed, when seeing all four hands all agreed that it is clearly the correct play, but one offered that he is surprised at how often players neglect to correctly ruff when partner leads the thirteenth card of a suit. Two of the three experts took more time analyzing the hand than would have been the normal allotment of time to play it.

The reviewer also gave the whole hand to one peer of N/S and asked him what he thought the likelihood was of N/S getting it wrong. In his estimation giving N/S credit for the correct defense was "very generous".

Law 12C1e instructs that “. . . the score assigned in place of the actual score for a non-offending side is the most favorable result that was likely . . .” and “for an offending side . . . the most unfavorable result that was at all probable . . .” had the irregularity not occurred. The panel was persuaded by the sum of the evidence from the consulted players to assign the result of 5♥X by East making five, E/W +650 to both sides.

While the panel was troubled by the fact that West made the bridge argument for East, the polling of East's peers clearly indicated that she had been deprived by misinformation of the chance to make a decision in the play that could have led to the ending considered. As to what might happen in that ending, the panel decided that since one expert actually got it wrong and the other two took a very long time considering the problem before coming up with the right conclusion, there was a significant chance that 5♥X would have made. The panel also found the statement by one of the experts about how often players fail to ruff in this situation persuasive.

In addition to the misinformation that existed, the panel also realized that North had unauthorized information from his partner's explanation of the double of 4♦. That UI did not seem relevant to the case, and in any event, its possible effect was not considered by the panel since the decision made it moot.

Players polled: David Bakhshi, Bart Bramley, Bob Etter, and four non-experts

**The Panel:** Matt Smith (reviewer), Charlie MacCracken