



Charged Party(ies)	Samuel Baskinger Judy Rothstein	ACBL #	O184375 K501546	Hearing Date	10/9/23
Disciplinary Body	Online Ethical Oversight Committee	Hearing Location	Web-Conference using Zoom		
Charging Party	McKenzie Myers	ACBL#	Q799024	Complainant	Jeff Edelstein
				ACBL#	O200338

**COMMITTEE MEMBERS WHO HEARD THE CHARGES**

Name	ACBL #	Name	ACBL #
Jon Brissman, Chairman	M105486		
Cheri Bjerkman	M868447		
Richard Popper	N887410		

**INDIVIDUALS WHO PARTICIPATED IN THE HEARING** (excluding committee members)

Name	ACBL#	Via	Capacity	Name	ACBL#	Via	Capacity
Jeff Edelstein	O200338	web conf.	Adv-Charging P			Select One	Select One
Justin Coniglio	Q809461	web conf.	Adv-Charging P			Select One	Select One
Ray Yuenger	P913494	web conf.	Advisor			Select One	Select One
		Select One	Select One			Select One	Select One

**EVIDENCE AND ARGUMENTS PRESENTED** (Summarize evidence and arguments presented including testimony. If additional space is needed, continue on page 3 of this hearing report.) (Note: provide new documentary evidence introduced during the hearing to the Office of National Recorder)

See attached narrative report pages 1 through 25.

**COMMITTEE FINDINGS OF FACT** (based on the evidence, state the committee's conclusion as to what happened)

See attached narrative report pages 15 through 26. There is an overlap with the evidence presented because the Panel's findings recite evidence from disclosure and reach conclusions about it.

**DECISION** (click on the box next to Not Responsible or Responsible of violating the CDR to add a check mark.)

☐ Not responsible

☒ Responsible

**CDR GROUNDS FOR DISCIPLINE** Type the section(s) and description(s) found in CDR 3 which led to the discipline).

CDR 3.20, Effective May 1, 2020, Cheating and Other Ethical Violations

**DISCIPLINE** (Unless a discipline begins immediately, which requires you to complete a Notice of Immediate Discipline, all begin dates should start at least five days after you submit this hearing Report to the Office of National Recorder.

Disciplined Party is convicted of premeditated or collusive cheating (or has admitted to such action). CDR 401(H) YES ☐ NO ☐

	Start Date	End Date	Additional Requirements/Comments
<input type="checkbox"/> REPRIMAND		N/A	<input type="checkbox"/> Letter of Reprimand Attached
<input type="checkbox"/> PROBATION	11/13/2025	11/12/2027	2 years
<input type="checkbox"/> SUSPENSION	11/13/2023	11/12/2025	2 years

Is the disciplined party Suspended because of an Ethical Violation (CDR 401(H))? YES ☐ NO ☐

Is the Suspension imposed due to an Ethical Violation more than one year (CDR 401(H))? YES ☐ NO ☐

☐ EXPULSION  N/A

☐ SUSPENDED SENTENCE (only used in conjunction with an imposed Suspension from above that you have converted to Probation). State the condition of the sentence below

☐ EXCLUSION from Events and Programs (list the exclusions and the dates of the events or activities). CDR 401(F)

☒ REDUCTION OR FORFEITURE of Masterpoints (MP) or Tournament Rank or Disqualification. Please specify below:

50% reduction of each Charged Party's masterpoints.

**STATE THE OFFENSE(S) FROM APPENDIX B, CHART 1 and/or CHART 2 OF THE CDR**

E19 offense from Chart 2

The discipline imposed above is within the recommended guidelines of E19.

If it is OUTSIDE the guidelines, a reason must be stated below.

RESPECTFULLY SUBMITTED (CHAIR)

/s/ Jon Brissman

Electronic Signature (type name above)

Wet Signature (sign above)

Date: 11/2/23

## I. Summary of Evidence and Arguments

### A. Procedural Overview

Judy Rothstein was born in May 1942. She joined the American Contract Bridge League (“ACBL”) in 1993. She became a Life Master in July 2004. As of March 6, 2023, she had a total of 10,015 masterpoints, with 91 platinum, 593 gold, 440 red, 974 silver, 7,457 black, and 459 online points. Samuel Baskinger’s birth date isn’t recorded by the ACBL. He joined the ACBL in 1982, became a Life Master in April 1985, and had a period of inactivity between May 1999 and December 2007. As of March 6, 2023, he had a total of 6,202 masterpoints, with 82 platinum, 374 gold, 272 red, 514 silver, 4,224 black and 735 online points. (P. 9.<sup>1</sup>) In evidence are 5,000 boards they have played together online between May 4, 2020 and December 31, 2022. (P. 52.) While the Charged Parties have addresses in different New Jersey towns, a BBO official has reported that they have shared the same IP address. (P. 9.)

On March 28, 2023, the interim Executive Director of the ACBL, Paul Cuneo<sup>2</sup>, filed charges alleging that the Charged Parties had violated former section 3.20 of the Code of Disciplinary Regulations (“CDR”).<sup>3</sup> (Pp. 3-4.) This Charge Letter was based on a Complaint submitted the previous day by the National Recorder, Jeff Edelstein, asserting that “[a] thorough investigation of Ms. Rothstein's and Mr. Baskinger's online play from May 2020 through January 2023 finds the National Recorder and Assistant National Recorder in concurrence that there is overwhelming evidence of illicit information being exchanged” “to gain an unfair competitive advantage in ACBL sanctioned games.” (Pp. 1-2.)

Chairs of OEOC Panels typically ask the Charging and Charged Parties to provide pre-hearing disclosure. Concurrent with a Notice of Hearing from the Panel Chair, the Charging Party filed 43 pages of disclosure organized into four sections. Section I provided background information reflected in the introductory paragraph and a copy of their convention card. (Pp. 9-11.) Section II introduced the ACBL’s Advocates, the National Recorder and Assistant National Recorder Justin Coniglio. (P. 12.) Section III set out lists of all boards they played during five 12-board sessions on Bridge Base Online (“BBO”) with hyperlinks to “movies” showing the auctions and play of the boards. The first session was played on October 30, 2021 and the rest were in 2022 on November 12, and December 3, 5, and 13. (Pp. 13-17). The ACBL questioned aspects of 16 of these 60 boards, specifically the auctions on ten and the defenses on six.

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<sup>1</sup> Unspecified page references are to the hearing packet that was circulated to the Parties and to an Online Ethical Oversight Committee (“OEOC”) Panel in advance of a disciplinary hearing. The contents of the packet are fully described in this report.

<sup>2</sup> On August 15, 2023, McKenzie Myers replaced Cuneo as the delegee of the Charging Party. (P. 6.)

<sup>3</sup> Among the grounds for discipline in the CDR effective on May 1, 2020 was “3.20 Cheating and other Ethical Violations.”

Section IV of the Charging Party's disclosure identified a number of boards allegedly illustrating how the Charged Parties used unauthorized information in their bidding and play.<sup>4</sup> 19 hand and auction diagrams are presented from the time period April 9, 2022 through January 5, 2023 with questions about aspects of the bidding. (Pp. 18-36.) Regarding the Charged Parties' leads and defense, there is a list of 18 boards between May 30, 2020 and December 31, 2022 when they led an Ace and continued for a ruff. (P. 37.) There is another list of six boards between May 13, 2020 and November 12, 2022 when they didn't lead a singleton. (P. 38.) There is a third list of 17 "contraindicated" leads, meaning both leading a suit that an opponent bid and leading a suit other than one partner bid. (P. 39.) These occurred between May 22, 2020 and December 30, 2022. Four more hand and auction diagrams question other aspects of leads between October 9, 2021 and January 7, 2023. (Pp. 40-43.)

The Charging Party has also provided a list of every one of their 215 leads against suit contracts from suits headed by an unsupported King (without the Ace or Queen) in the time period from May 6, 2020, through December 31, 2022. (Pp. 44-52.) The lists have been segregated by who was on lead, Judy or Sam.<sup>5</sup> The Charging Party has identified leads as hits when the lead either finds partner holding an adjacent honor or a void and misses otherwise. The Charging Party has also highlighted of these 215 leads 28 it considers contraindicated.<sup>6</sup>

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<sup>4</sup> What the Charging Party tends to call "illicit" information (e.g., p. 18), the Laws of Duplicate Bridge characterize as "unauthorized." The Laws distinguish "authorized" from "unauthorized" information. Law 16A allows a player to use most information gained from the auction and the play of a board. Law 16B prohibits a player from choosing a call or play that is demonstrably suggested by unauthorized information provided by partner. 16B1 states: "Any extraneous information from partner that might suggest a call or play is unauthorized. This includes remarks, questions, replies to questions, unexpected alerts or failures to alert, unmistakable hesitation, unwonted speed, special emphasis, tone, gesture, movement or mannerism." Law 73C1 states: "When a player has available to him unauthorized information from his partner, such as from a remark, question, explanation, gesture, mannerism, undue emphasis, inflection, haste or hesitation, an unexpected alert or failure to alert, he must carefully avoid taking any advantage from that unauthorized information [see Law 16B1(a)]." Law 73B2 states: "The gravest possible offense is for a partnership to exchange information through prearranged methods of communication other than those sanctioned by these Laws."

<sup>5</sup> We will refer to the Charged Parties, Samuel Baskinger and Judy Rothstein, as Sam and Judy for convenience in typing and not to indicate familiarity. They have referred to themselves that way in their disclosure. Judy's BBO name is "Hayjood," while Sam's is "spbaskin."

<sup>6</sup> Of the 215 leads from Kings, four of them occurred during the full sessions already listed. Only one of the four repeats the Charging Party's earlier observations about the board.

Finally, as noted above, the Charging Party has provided a hyperlink to a spreadsheet listing 5,000 boards played by the Charged Parties.

The Charged Parties submitted nine pages of disclosure that they prepared together. It included their perspectives about all of the 19 questioned auctions in the bidding section. (Pp.54-62.) They did not specifically respond to the list of 215 leads from Kings or nor to the 16 questions about the five full sessions. They did respond to the section posing questions about four leads and also to three of the other 45 questioned defenses, specifically the first of the list of 18 unsupported Ace leads (p. 60), the first of the list of five nonleads of a singleton (p. 59), and the first of the list of 17 contraindicated leads (p. 58).<sup>7</sup>

The Charged Parties vehemently denied ever cheating. (P. 53.) They are long-time partners. Judy said that Sam is a better player, though she has more masterpoints. Sam was a club director and manager. Judy gives bridge lessons. Neither intended to attend the disciplinary hearing. Judy, who is 81 years old, had a stroke a year ago and was worried about a relapse from the stress of the hearing. Sam had already reviewed the hands with the National Recorder. (P. 53.)

On October 9, 2023, a 25-minute disciplinary hearing was held via Zoom. The hearing was video- and audio-recorded. The Charged Parties did not attend. The Assistant National Recorder, Justin Coniglio, presented an overview of the Charging Party's disclosure and then highlighted 30 boards from their disclosure grouped into four categories. Eight boards exhibited questioned bidding. There were nine leads of Aces finding singletons or voids that were continued for a ruff, though the Charged Parties had sometimes bid a different suit. There were five underleads of Kings that were contraindicated in that the lead was not in the suit partner had bid. And there were seven examples where they found success either by leading a singleton or not leading a singleton. The Advocate said that leading from a King high holding should expect to hit either partner's Ace, Queen, or void about 70% of the time, not 98% as this pair achieved. The Charging Party has never seen such a high success rate with so many leads.

The hearing concluded after the Advocate answered several questions from the Panelists. The Advocate said that the Charged Parties mostly played in BBO "speedball" events of 12 boards. Both players, particularly Judy, have played with other partners online. For discipline, the ACBL is seeking at least two years' suspension for a violation of CDR section 3.20 because this is one of the most egregious cases they have seen.

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<sup>7</sup> In each case of responding to the Charging Party's lists, the Charged Parties commented on the one diagrammed board and not all the boards for which there were only hyperlinks.

## B. The Hearing Evidence

Our summary of the hearing evidence will provide the hand and auction diagrams displayed by the Charging Party for all 30 boards in the four classifications made by the Charging Party. While the Charged Parties didn't appear at the hearing, to the extent they commented in their disclosure on boards that were presented, their comments will also be summarized. Instead of the Charging Party's chronological presentation, we will present what we consider the more probative boards first within the four classifications.

### 1. Questionable Bidding

There was no one theme or characteristic identified in their bidding except that the following auctions seemed to be based partly on unauthorized information. Though the Charging Party's disclosure questioned their bidding in 29 separate auctions, including 10 from the full sessions, because the Panel was familiar with the disclosure the Advocate selected eight boards to emphasize at the hearing.

<div><div><div>10</div><div>D</div></div></div>	<div>Nspbaskin</div> <div><div>♠A9</div><div>♥KQJ1072</div><div>♦74</div><div>♣A93</div></div>	<div><div>W</div><div>N</div><div>E</div><div>S</div></div> <div><div>P</div><div>1♥</div><div>P</div><div>1♦</div></div> <div><div>P</div><div>3♥</div><div>P</div><div>2♣</div></div> <div><div>P</div><div>P</div><div>P</div><div>3NT</div></div>
<div>WMember Two</div> <div><div>♠872</div><div>♥A93</div><div>♦KJ108</div><div>♣Q85</div></div>		<div>Ecgc4129</div> <div><div>♠K10654</div><div>♥854</div><div>♦53</div><div>♣J107</div></div>
	<div>Shayjood</div> <div><div>♠QJ3</div><div>♥6</div><div>♦AQ962</div><div>♣K642</div></div>	<div>3NTS</div> <div>NS: 0EW: 0</div>

On board 10 played on October 16, 2022, Judy, with a minimum opener, accepted what appears to have been a game invitation by Sam despite his opening hand. According to their convention card, they play fourth suit forcing to game (p. 10), so his jump to 3♥ was presumably not a forcing bid.

Sam's comment on board 10 agreed, stating: "As discussed with Jeffery [the National Recorder], Judy's three no trump was totally foolish. I remember waiting and then bid 3 [♥]. I should have bid 2 [♠]s, 4th suit forcing and rebidding 3 [♥] which would be 100% forcing. One of the worst bids I ever made. I agree Judy should have passed but with the opponents not bidding she continued to 3 NT (foolish bid)."<sup>8</sup> (P. 54.)

<sup>8</sup> Due to the size of the hand and auction diagrams, the attempt to keep text near the board being discussed sometimes results in white spaces in this report.

For readability we convert words for the suits into suit symbols in quotations.

D 4	N mdalesk	W N E S
	♠ QJ10742	1NT 2♣ 3NT P
	♥ 9	P X P P
	♦ KJ87	P
	♣ Q4	
W spbaskin		E hayjood
♠ A85		♠ K6
♥ 82		♥ AQJ104
♦ A943		♦ Q5
♣ AK92		♣ J763
	S kmartin79	
	♠ 93	
	♥ K7653	
	♦ 1062	
	♣ 1085	
		3NTx W NS: 0 EW: 0

On board 4 from January 3, 2023, Judy simply bid 3NT after interference over Sam's NT opening. According to the Charged Parties' convention card, his NT opening showed 15 to 17 high-card points ("HCP") and they play the Lebensohl convention over interference, allowing her to show or deny a ♠ stopper and to show a game-forcing hand with five or more ♥s. (P. 10.) According to their convention card, her 3NT bid denied a ♠ control.

Sam's initial comment on board 4 was: "My partner being unsettled by the 2 [♠] bid forgot to use Lebensohl in this auction to show her [♥] suit plus a [♠] stopper. Lucky for our side I had a [♠] stopper and passed her 3 NT that denies a [♠] stopper." He later added: "This is not cheating but rather an incorrect choice of bids. Judy makes many more errors than I. After talking with Judy she had 13 points opposite a 1NT opener, she stopped thinking and bid 3 NT." (P. 61.)

<div><div>7</div><div>D</div></div>	N SuryaBee	W	N	E	S
	♠ KJ987	2♣	3♣	P	3♦
	♥ AQJ2	P	3♥	P	3♠
	♦ 106	3NT	P	P	P
	♣ 92				
W spbaskin		E Hayjood			
♠ A52		♠ 106			
♥ K1098		♥ 765			
♦ A		♦ KQ753			
♣ AKQJ5		♣ 1043			
	S prestonm				
	♠ Q43				
	♥ 43				
	♦ J9842				
	♣ 876				
		3NT W	NS: 0	EW: 0	

On board 7 on January 5, 2023, Sam ran into significant interference after opening a strong 2 ♣. The 3 ♣ overcall was alerted as showing either ♦s or the majors, and the opponents bid to 3 ♠ before Sam ended the auction with 3NT. As can be seen, Judy, who was silent throughout, supplied 2 ♦ tricks and an entry to dummy with the ♣ 10.

Sam's commented on board 7: "I did mention that both Judy and I are aggressive bidders. Bidding 3 NT and playing partner for some modest values is well worth going down 1 or perhaps 2 tricks. Also I was planning on their bid suit of [♥]s

perhaps producing my 8th trick on opening lead. A [♥] lead would most likely produce two tricks for me. I'm allowed to get lucky without being accused of cheating!" (P. 60.)

According to the Charged Parties, Sam misbid on board 10 and Judy misdbid on board 4, and they luckily landed on their feet in the optimum contracts. They also got lucky on board 7 when Sam bid 3NT with 8 likely tricks.

On two other boards, doubles turned into penalty doubles, with one intended as a penalty double when made.

<div>7</div> <div>D</div>	<div>N hippiefl</div> <div>♠ 1087432</div> <div>♥ 8</div> <div>♦ QJ765</div> <div>♣ 2</div>	<div>W N E S</div> <div>P 4♥ P 4♣</div> <div>X P P P</div> <div>1NT</div>	<div>3</div> <div>D</div>	<div>N bayforesth</div> <div>♠</div> <div>♥ AJ983</div> <div>♦ K854</div> <div>♣ 8754</div>	<div>W N E S</div> <div>P P X 2♣</div> <div>P P P</div>
<div>W spbaskin</div> <div>♠ 96</div> <div>♥ 964</div> <div>♦ A1032</div> <div>♣ AQJ3</div>		<div>E hayjood</div> <div>♠ AQJ</div> <div>♥ K107532</div> <div>♦ 9</div> <div>♣ 985</div>	<div>W Hayjood</div> <div>♠ AQ8</div> <div>♥ 102</div> <div>♦ AJ92</div> <div>♣ K1063</div>		<div>E spbaskin</div> <div>♠ K965</div> <div>♥ 75</div> <div>♦ 763</div> <div>♣ AQJ2</div>
	<div>S ebcdaavidro</div> <div>♠ K5</div> <div>♥ AQJ</div> <div>♦ K84</div> <div>♣ K10764</div>	<div>4♠x S</div> <div>NS: 0 EW: 0</div>		<div>S jaydeb</div> <div>♠ J107432</div> <div>♥ KQ64</div> <div>♦ Q10</div> <div>♣ 9</div>	<div>2♠x S</div> <div>NS: 0 EW: 0</div>

On board [7](#) on November 14, 2022, Sam found a penalty double of a Texas transfer with no reason to think he had four tricks in his hand. And indeed Judy held two trump tricks.<sup>9</sup>

Sam's comments on this board were: "This bidding sequence of 1 NT and a transfer to 4 spades is usually a weak hand so I doubled to protect our side. Judy of course chose to pass with her hand. I'm aggressive and especially at IMPs. It costs me very little if they score 4 S doubled or just 4 spades." (P. 62.)

On board [3](#) on November 12, 2022, Judy made a light takeout double in the balancing seat after a ♠ preempt without support for the other major. Sam had no problem converting the double to penalty. Presumably because this board was part of the Charging Party's discussion in disclosure of full sessions and not bidding, the Charged Parties didn't comment on it.

<sup>9</sup> Perhaps because Charging Party questioned the bidding on this board 7, the Charging Party didn't also include the board in its list of leading unsupported Aces and continuing for a ruff, but on this board Sam did lead his ♦ Ace and continue, giving Judy a ruff. Judy shifted to a ♣, finding Sam's entry for another ♦ ruff. So she scored all three of her trumps.



2 <sup>D</sup>	N spbaskin	W	N	E	S
	♠ J83 ♥ AK10 ♦ 63 ♣ AQJ63	1♦ 3♦ P	2♣ P P	P P P	P 3♣ 3♥
W aibfun		E smyk			
♠ KQ ♥ 52 ♦ K98752 ♣ K54		♠ 10974 ♥ Q98 ♦ AQ104 ♣ 92			
	S Hayjood				
	♠ A652 ♥ J7643 ♦ J ♣ 1087				
		3♥ S NS: 0 EW: 0			

On board [2](#) on October 30, 2021, in a competitive auction involving the minors, after the opponents bid 3 ♦, Judy, in the passout seat, ventured a vulnerable 3 ♥ bid holding J7643 and found Sam with excellent ♥ support. Presumably because this board was mentioned only in the full sessions' discussion, the Charged Parties did not comment on it.

On another board [7](#) from November 3, 2022, the Advocate noted Sam's passivity in bidding with his 22-point hand.

7 <sup>D</sup>	N spbaskin	W	N	E	S
	♠ KQ42 ♥ A2 ♦ KJ92 ♣ AKQ	1♥ P	X P	P P	P 2♦
W bj Khan		E hey1			
♠ AJ5 ♥ KQ986 ♦ Q8 ♣ 863		♠ 10763 ♥ 1074 ♦ A74 ♣ J42			
	S Hayjood				
	♠ 98 ♥ J53 ♦ 10653 ♣ 10975				
		2♦ S NS: 0 EW: 0			

Sam had a lot to say about this board 7. "My RHO opened one [♥], I doubled with my FLAT 22 count, RHO passed, and Judy bid two [♦]s. I do find my pass conservative for two reasons:

"1) a flat hand and Judy having very few high cards I did not take another bid to jeopardize a higher contract.

"2) My RHO still had a bid and we were all vulnerable. I would surely double any two level contract.

"I am actually surprised that my LHO did not balance with two [♥] holding three card [♥] support and five points which contains an ace.

“Once again I find nothing unusual with my pass! If I had taken a bid and we got to 3 NT I’m sure it would have looked highly unusual. Another situation that regardless of my action it would be looked upon unfavorably.” (P. 57.)

7	N trenton		W N E S			
	♠ Q108 ♥ J105 ♦ J64 ♣ J1042		X	P	2♣	1♥
W spbaskin		E Hayjood				
♠ A643 ♥ 43 ♦ AK1073 ♣ 97		♠ 975 ♥ Q87 ♦ Q85 ♣ AQ86				
		S shelbina34				
		♠ KJ2 ♥ AK962 ♦ 92 ♣ K53				
				2♥ W NS: 0 EW: 0		

Finally, on a third board [7](#) from April 9, 2022, the Advocate noted that Judy passed despite holding decent values when Sam made a takeout double and then bid a suit. Their convention card doesn’t list the “equal level conversion” convention and his bid wasn’t so announced, so it should have showed more than a minimum overcall. Sam said that they do play equal level conversion but just don’t have a place for it on their convention card. (P. 54.)

## 2. Questioned Defenses

### (A). Leads of Unsupported Aces

In disclosure the Charging Party provided links to 18 boards where a Charged Party led an Ace without holding the King against a suit contract and then continued the suit to provide partner, who held a singleton or void, with a ruff. (P. 37.) At the hearing the Charging Party displayed ten of these boards, saying that several of the leads were contraindicated by the bidding, usually because the Charging Parties had both bid a different suit, but once because one of them made a lead-directing double in a different suit.

We consider most probative when the opening lead was from a short suit and the leader still determined that partner had a singleton.

8	N spbaskin		W N E S			
	♠ J62 ♥ J853 ♦ AQ10 ♣ 1074		1♥	P	P	1♠
W Terry+Wag		E maniekl				
♠ A ♥ AK10964 ♦ 82 ♣ KQJ8		♠ 108 ♥ Q7 ♦ J976543 ♣ 63				
		S Hayjood				
		♠ KQ97543 ♥ 2 ♦ K ♣ A952				
				4♥x W NS: 0 EW: 0		

  

6	N GP+Kat		W N E S			
	♠ 98743 ♥ A ♦ J10 ♣ K9764		2♦	P	2♥	P
W hayjood		E spbaskin				
♠ K652 ♥ KJ854 ♦ 964 ♣ J		♠ AJ10 ♥ 976 ♦ AQ75 ♣ A103				
		S beburns				
		♠ Q ♥ Q1032 ♦ K832 ♣ Q852				
				2♠ N NS: 0 EW: 0		

In the auction on board [8](#) on December 31, 2022, it was likely that the declarer was short in other suits after jumping to 4 ♥ without any support from partner. Judy's 1 ♠ bid indicated at least five cards in that suit (not the seven she held). Leading from a ♦ tenace in a short suit that was behind a strong declarer should have been among the least appealing options when Sam could have led the Jack in the suit Judy had bid, but Sam cashed the ♦ Ace from AQT, dropping partner's King, and then underled the Queen to give Judy a ruff.

The auction on board [6](#) on November 29, 2022, indicated that Judy had five or more ♥s, but there was no indication that the opponents had nine ♣s. However, holding three Aces, Sam led his shorter nontrump Ace from AT3, dropping Judy's Jack, and continuing to give her a ruff. Judy returned a ♦ to Sam's Ace to 12 get another ruff.

Dropping honors from partner's hands on 8 and 6 was indicative they were short in the suit, but why those short suits were led raises questions. The Charged Parties only commented on one questioned board when they led an unsupported Ace and continued.

<div>11</div> <div>D</div>	<div>N carikc</div> <div>♠ Q106</div> <div>♥ 104</div> <div>♦ Q1082</div> <div>♣ KJ107</div>	<div>W N E S</div> <div>X 1NT 2♠ 1♥</div> <div>3♣ 4♥ P 3♥</div> <div>P P P P</div>	<div>6</div> <div>D</div>	<div>N BruceT12</div> <div>♠ A73</div> <div>♥ KQ98653</div> <div>♦ 10</div> <div>♣ A3</div>	<div>W N E S</div> <div>X XX 1♦ 2♠</div> <div>5♦ 3♦ P P</div> <div>X P P P</div>
<div>W hayjood</div> <div>♠ KJ72</div> <div>♥ 53</div> <div>♦ KJ7</div> <div>♣ A832</div>	<div>♣A</div>	<div>E spbaskin</div> <div>♠ 98543</div> <div>♥ J87</div> <div>♦ 9653</div> <div>♣ 5</div>	<div>W spbaskin</div> <div>♠ 2</div> <div>♥ AJ104</div> <div>♦ Q973</div> <div>♣ K1085</div>	<div>♥A</div>	<div>E hayjood</div> <div>♠ 964</div> <div>♥</div> <div>♦ AKJ865</div> <div>♣ QJ96</div>
<div>S coquette1</div> <div>♠ A</div> <div>♥ AKQ962</div> <div>♦ A4</div> <div>♣ Q964</div>		<div>4♥ S NS: 0 EW: 0</div>		<div>S thesfkid</div> <div>♠ KQJ1085</div> <div>♥ 72</div> <div>♦ 42</div> <div>♣ 742</div>	<div>5♠x S NS: 0 EW: 0</div>

The next shortest Ace leads were on boards [11](#) on July 23, 2020, and [6](#) on October 31, 2022. On 11, Sam's 2 ♠ response to Judy's takeout double only showed 4 ♠s. Nothing in the auction suggested that Sam was short in ♠s, and him playing the ♣ 5, not an honor, shouldn't have suggested continuing the suit, but Judy did. On board 6, from Judy rebidding ♦s at the three level, Sam would have known that she might be short somewhere, but from the opponents competing to 5 ♠s, it might seem that her shortness was in ♠s. Nevertheless, instead of leading their agreed ♦ suit, Sam started with the ♥ Ace, revealing Judy's void.

On five boards displayed at the hearing ([9](#) on May 30, 2020, a second [9](#) on September 21, 2021, a third [9](#) on January 24, 2022, [10](#) on March 16, 2022, and [1](#) on November 28, 2022), the opening lead was the Ace in a five-card suit and the leader continued the suit to provide a ruff.

<div> <div>D</div> <div>9</div> </div> <div> <div>W</div> <div>Hayjood</div> <div> <div>♠ 5</div> <div>♥ K75</div> <div>♦ A8754</div> <div>♣ Q1085</div> </div> </div>	<div> <div>N</div> <div>jthuffman</div> <div> <div>♠ QJ97</div> <div>♥ Q10</div> <div>♦ K1096</div> <div>♣ J42</div> </div> </div> <div> <div>E</div> <div>spbaskin</div> <div> <div>♠ 1042</div> <div>♥ J96432</div> <div>♦ Q</div> <div>♣ AK3</div> </div> </div>	<div> <div>W</div> <div>hayjood</div> <div> <div>♠ 87543</div> <div>♥ J4</div> <div>♦ AJ1052</div> <div>♣ 8</div> </div> </div> <div> <div>E</div> <div>spbaskin</div> <div> <div>♠ KQ2</div> <div>♥ 93</div> <div>♦ K98</div> <div>♣ A10943</div> </div> </div>	<div> <div>N</div> <div>liuhvicky</div> <div> <div>♠ A106</div> <div>♥ K107</div> <div>♦ Q6</div> <div>♣ KQJ52</div> </div> </div> <div> <div>S</div> <div>JuliaFL</div> <div> <div>♠ J9</div> <div>♥ AQ8652</div> <div>♦ 743</div> <div>♣ 76</div> </div> </div>	<div> <div>W</div> <div>hayjood</div> <div> <div>♠ 87543</div> <div>♥ J4</div> <div>♦ AJ1052</div> <div>♣ 8</div> </div> </div> <div> <div>E</div> <div>spbaskin</div> <div> <div>♠ KQ2</div> <div>♥ 93</div> <div>♦ K98</div> <div>♣ A10943</div> </div> </div>
<div> <div>D</div> <div>9</div> </div> <div> <div>W</div> <div>irishg</div> <div> <div>♠ KQ852</div> <div>♥ A2</div> <div>♦ AQ983</div> <div>♣ 5</div> </div> </div>	<div> <div>N</div> <div>spbaskin</div> <div> <div>♠ AJ1074</div> <div>♥ 54</div> <div>♦ 10</div> <div>♣ J10964</div> </div> </div> <div> <div>E</div> <div>dbx</div> <div> <div>♠ 963</div> <div>♥ QJ9</div> <div>♦ 754</div> <div>♣ KQ83</div> </div> </div>	<div> <div>W</div> <div>Hayjood</div> <div> <div>♠ Q7</div> <div>♥ 4</div> <div>♦ AJ1032</div> <div>♣ K9753</div> </div> </div> <div> <div>E</div> <div>spbaskin</div> <div> <div>♠ 653</div> <div>♥ KQ1065</div> <div>♦ 9</div> <div>♣ J842</div> </div> </div>	<div> <div>N</div> <div>1437crysta</div> <div> <div>♠ KJ108</div> <div>♥ A87</div> <div>♦ K654</div> <div>♣ 106</div> </div> </div> <div> <div>S</div> <div>Isa33477</div> <div> <div>♠ A942</div> <div>♥ J932</div> <div>♦ Q87</div> <div>♣ AQ</div> </div> </div>	<div> <div>W</div> <div>Hayjood</div> <div> <div>♠ Q7</div> <div>♥ 4</div> <div>♦ AJ1032</div> <div>♣ K9753</div> </div> </div> <div> <div>E</div> <div>spbaskin</div> <div> <div>♠ 653</div> <div>♥ KQ1065</div> <div>♦ 9</div> <div>♣ J842</div> </div> </div>
<div> <div>D</div> <div>1</div> </div> <div> <div>W</div> <div>hayjood</div> <div> <div>♠ A9732</div> <div>♥ 94</div> <div>♦ AK7</div> <div>♣ AJ2</div> </div> </div>	<div> <div>N</div> <div>magoog</div> <div> <div>♠ 1085</div> <div>♥ K1075</div> <div>♦ QJ43</div> <div>♣ 97</div> </div> </div> <div> <div>E</div> <div>spbaskin</div> <div> <div>♠ Q</div> <div>♥ Q2</div> <div>♦ 109862</div> <div>♣ 108653</div> </div> </div>	<div> <div>W</div> <div>Hayjood</div> <div> <div>♠ Q7</div> <div>♥ 4</div> <div>♦ AJ1032</div> <div>♣ K9753</div> </div> </div> <div> <div>E</div> <div>spbaskin</div> <div> <div>♠ 653</div> <div>♥ KQ1065</div> <div>♦ 9</div> <div>♣ J842</div> </div> </div>	<div> <div>N</div> <div>1437crysta</div> <div> <div>♠ KJ108</div> <div>♥ A87</div> <div>♦ K654</div> <div>♣ 106</div> </div> </div> <div> <div>S</div> <div>Isa33477</div> <div> <div>♠ A942</div> <div>♥ J932</div> <div>♦ Q87</div> <div>♣ AQ</div> </div> </div>	<div> <div>W</div> <div>Hayjood</div> <div> <div>♠ Q7</div> <div>♥ 4</div> <div>♦ AJ1032</div> <div>♣ K9753</div> </div> </div> <div> <div>E</div> <div>spbaskin</div> <div> <div>♠ 653</div> <div>♥ KQ1065</div> <div>♦ 9</div> <div>♣ J842</div> </div> </div>

The one questioned Ace lead on which the Charged Parties commented was the first board 9 above, stating: "I opened two [♥]s, LHO bid 2 [♠]s, partner bid 4 [♥]s followed by North's bid of 4 [♠]s which I doubled, showing outside values. Judy's bid of 4 [♥]s showed values therefore I also doubled. Judy led her ace of [♦]s to look at the board and struck gold! I had a singleton [♦].

"Leading an unsupported ace after partner had preempted and doubled showing values seems like an excellent choice of leads. Absolutely nothing wrong with this defense!" (P. 60.)

We acknowledge that when partner has made a preemptive bid, there's a likelihood that partner is short in another suit. When Judy's ♦ Ace dropped Sam's Queen, she had indeed struck gold. Following the rest of the play is revealing. Judy continued with her lowest ♦ for Sam to ruff. Sam cashed his ♣ Ace, on which Judy played the T, using standard count and attitude, and Sam underled his ♣ King to Judy's Queen so she could give him another ruff.

The same observation about partner likely being short somewhere applies to the third board 9 above, when Judy opened and rebid ♥s, not supporting Sam's ♠ bid, and Sam led the ♠ Ace against a doubled contract of 5 ♦. One of the Panelists asked the Advocate what was unusual about the ♠ lead on this board, and the Advocate acknowledged it wasn't that unusual by itself, instead just part of a pattern. The Advocate noted that Sam could have led from a solid JT9 sequence in ♣s instead of the ♠ suit.

Ace leads on the first and third board 9s above either dropped partner's Queen or exposed partner's void, so continuing was a natural step. But on the second board 9, the ♣ Ace lead revealed Judy's 8 and only two ♣s in the dummy, so it's hard to imagine what prompted Sam to continue with a ♣ instead of shifting to a ♦, which Judy had doubled for a lead. The same is true of board 10, when Sam played the ♦ 8 in response to Judy's ♦ Ace lead. She could see four in the dummy and her right-hand opponent ("RHO") had opened a ♦. Her RHO opening a ♦ would seem to counsel against leading or underleading a holding headed by AJT.

On board 1, Sam had three Aces from which to lead, including an AK in the ♦ suit Judy had bid at the 3-level. Instead, his ♠ Ace dropped Judy's Queen and he continued for a ruff. She returned a ♣ to his Ace and he provided another ruff, and she returned a ♦ to his King.

The final Ace lead displayed at the hearing was on board 3 from October 21, 2022.

<div><div></div><div>3</div><div>D</div></div>	<div>N</div> <div>Espoir123</div> <div><div>♠</div>2</div> <div><div>♥</div>Q108532</div> <div><div>♦</div>K103</div> <div><div>♣</div>K106</div>	<div><div>W</div><div>N</div><div>E</div><div>S</div></div> <div><div>P</div><div>2♥</div><div>X</div><div>P</div></div> <div><div>2♠</div><div>3♥</div><div>3♠</div><div>4♥</div></div> <div><div>P</div><div>P</div><div>X</div><div>P</div></div> <div><div>P</div><div>P</div><div></div><div></div></div>
<div><div>W</div>Hayjood</div> <div><div>♠</div>98743</div> <div><div>♥</div>J97</div> <div><div>♦</div>A852</div> <div><div>♣</div>7</div>	<div><div>♣</div>A</div>	<div><div>E</div>spbaskin</div> <div><div>♠</div>AKJ10</div> <div><div>♥</div>K</div> <div><div>♦</div>64</div> <div><div>♣</div>AJ9853</div>
	<div><div>S</div>hoowoo</div> <div><div>♠</div>Q65</div> <div><div>♥</div>A64</div> <div><div>♦</div>QJ97</div> <div><div>♣</div>Q42</div>	<div><div>4♥x</div>N</div> <div>NS: 0 EW: 0</div>

Instead of a safe lead from the ♠ AK, Sam led the Ace from six ♣s and continued, using the ♠ honor for an entry to provide Judy with a second ruff. We see nothing in the auction or the dummy indicating that the ♣ 7 was a singleton.

**(B). Contraindicated Leads from Unsupported Kings**

In disclosure the Charging Party provided a list of 215 times the Charged Parties had held a nontrump suit headed by a King without the Ace or Queen and either led the King or underled the King against a suit contract over a period of almost 32 months beginning on May 6, 2020. The Charging Party also highlighted 28 of these leads as contraindicated, meaning that it was either in a suit bid by an opponent or not in a suit that partner had bid. At the hearing the Charging Party displayed only five of these leads, all involving suits not bid by partner and all involving hitting partner's Ace.

<div> <div>8</div> <div>W marks12</div> <div> <p>♠ A987</p> <p>♥ AQJ</p> <p>♦ 107</p> <p>♣ 10984</p> </div> </div>	<div> <div>N Hayjood</div> <div> <p>♠ J63</p> <p>♥ 8652</p> <p>♦ 86</p> <p>♣ AQ65</p> </div> </div>	<div> <div>W N E S</div> <div> <p>P P 1♣ X</p> <p>XX 2♥ P P</p> <p>3♣ P P P</p> </div> </div>	<div> <div>2</div> <div>W Hayjood</div> <div> <p>♠ J8</p> <p>♥ K43</p> <p>♦ 1062</p> <p>♣ KJ1032</p> </div> </div>	<div> <div>N cacatty</div> <div> <p>♠ K64</p> <p>♥ Q106</p> <p>♦ A987</p> <p>♣ AQ6</p> </div> </div>	<div> <div>W N E S</div> <div> <p>3♣ 3♣ 1♣ 2♣</p> <p>P P P P</p> </div> </div>
<div> <div>9</div> <div>W judko</div> <div> <p>♠ 8763</p> <p>♥ AJ62</p> <p>♦</p> <p>♣ K10965</p> </div> </div>	<div> <div>N Hayjood</div> <div> <p>♠ K9542</p> <p>♥ 3</p> <p>♦ AJ10952</p> <p>♣ 2</p> </div> </div>	<div> <div>W N E S</div> <div> <p>1♥ 1NT 2♥ 3♦</p> <p>4♥ P P X</p> <p>P P P</p> </div> </div>	<div> <div>12</div> <div>W spbaskin</div> <div> <p>♠ K843</p> <p>♥ KQJ9642</p> <p>♦ 54</p> <p>♣</p> </div> </div>	<div> <div>N rpver</div> <div> <p>♠ 109765</p> <p>♥ 7</p> <p>♦ Q8</p> <p>♣ A9832</p> </div> </div>	<div> <div>W N E S</div> <div> <p>4♥ P P 5♦</p> <p>P P X P</p> <p>P P</p> </div> </div>
<div> <div>1</div> <div>W hayjood</div> <div> <p>♠ 9542</p> <p>♥ AQ10</p> <p>♦ Q</p> <p>♣ 109532</p> </div> </div>	<div> <div>N Rakesh_S</div> <div> <p>♠ AKQ10</p> <p>♥ 2</p> <p>♦ AK9832</p> <p>♣ Q6</p> </div> </div>	<div> <div>W N E S</div> <div> <p>1♣ 1♦ X P</p> <p>2♦ 2♣ 3♦</p> <p>P P P</p> </div> </div>	<div> <div>E spbaskin</div> <div> <p>♠ J873</p> <p>♥ KJ84</p> <p>♦ J10</p> <p>♣ KJ7</p> </div> </div>	<div> <div>S dshrager</div> <div> <p>♠ 6</p> <p>♥ 97653</p> <p>♦ 7654</p> <p>♣ A84</p> </div> </div>	<div> <div>W N E S</div> <div> <p>3♣ 3♣ 1♣ 2♣</p> <p>P P P P</p> </div> </div>

On every board of these five, [8](#) from May 9, 2020, [2](#) from May 24, 2020, [9](#) from June 5, 2020, and [1](#) from July 14, 2020, except for [12](#) from July 5, 2020, one of the Charged Parties found partner's concentration of high cards by not leading the suit partner had bid.<sup>10</sup> On board 12, Sam eschewed leading from a solid sequence headed by the KQJ of ♥s to underlead his ♠ King, finding Judy's AJ2. Judy had not bid except to double the final contract of 5 ♦.<sup>11</sup>

**(C). Selective Leads of Singletons**

In disclosure the Charging Party listed six boards on one page allegedly showing that the Charged Parties knew "when to eschew a lead of their own singleton." (P. 38.) One of them was board 9 on June 5, 2020 discussed in the previous section, when a nontrump singleton wasn't led.

At the hearing the Charging Party expanded its claim to include two boards where singletons were led successfully, altogether displaying seven boards to show that the Charged Parties knew when to lead a singleton and when to avoid it. Five of the displayed boards were from page 38 (namely boards [9](#) from May 13, 2020, [2](#) from November 7, 2020, [6](#) from May 22, 2022, [3](#) from June 19, 2022, and [5](#) from November 12, 2022), with another board, [8](#), from the discussion of the full session on November 12, 2022, and a final one, board [4](#), played during the full session on December 3, 2022, but not previously discussed.<sup>12</sup>

The final two of these seven boards involved leading a singleton that found partner with the Ace in the suit, namely [8](#) on November 12, 2022 and [4](#) on December 3, 2022.

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<sup>10</sup> We note that on the last three boards, the lead was low from fourth best, although the Charged Parties' convention card says they lead third and fifth against suits. (P. 11.)

<sup>11</sup> It is worth remarking that the doubled contract could have been defeated on board 12 had Judy returned a ♣ to Sam's void after winning the ♠ Ace. The probative value of this board is therefore equivocal at best.

<sup>12</sup> Because the Charging Party first questioned this board at the hearing, the absent Charged Parties had no opportunity to respond.

D 8	N amber_rain	W N E S	D 4	N Hayjood	W N E S
	♠ AKJ1097	P 1♠ 2♥ P		♠ J3	1♦ P 1♠ 1NT
	♥ J9	P 2♠ P P		♥ 10964	P 2♥ 3♠ P
W Hayjood		E spbaskin	W kevnmax	♥ AQJ96	E Ellenberk
♠ 85432	♦ 3	♠ Q	♠ 86	♣ A6	♠ KQ10752
♥ Q		♥ K107432	♥ K		♥ A73
♦ A1094		♦ 3	♦ K7432		♦ 108
♣ A107		♣ QJ965	♣ KQ987		♣ J3
	S Rose37			S spbaskin	
	♠ 6			♠ A94	
	♥ A865			♥ QJ852	
	♦ QJ876			♦ 5	
	♣ 832	2♠ N NS: 0 EW: 0		♣ 10542	4♠ E NS: 0 EW: 0

The Advocate noted that on board 4, Sam not only found Judy holding the ♦ Ace, but most of the ♦ honors, even though an opponent had opened the suit. Judy won the ♦ Queen and didn't attempt to cash the ♦ Ace, instead returning a low ♦ for Sam to ruff.

The Advocate contrasted board 8 with 5, played just three boards earlier in the same full session on November 12, 2022.

D 5	N ekelley725	W N E S	D 5	N Hayjood	W N E S
	♠ KQ95	1♠ 3♥ 4♣		♠ 102	♠ A73
	♥ A10	P 5♣ P P		♥ Q42	♥ KJ98753
W Hayjood	♦ A85		W kevnmax	♦ J764	♦ 10
♠ 102	♣ AQ75		♠ 8642	♣ 93	
♥ Q42					
♦ J764					
♣ 8642					
	S jobert57				
	♠ J864				
	♥ 6				
	♦ KQ932				
	♣ KJ10	5♠ N NS: 0 EW: 0			

As noted, on 8 Sam led his singleton ♦ and got a ruff with his singleton trump. On 5 Sam led seventh best from his long suit instead of his singleton ♦ and connected with the highest card in Judy's hand.

The other four boards, like 5, also involved nonleads of singletons.



<div> <div>9</div> <div>W spbaskin</div> <div> ♠ K10872 ♥ Q32 ♦ 53 ♣ 942 </div> </div>	<div> <div>N mslair</div> <div> ♠ 5 ♥ K9864 ♦ J62 ♣ AK85 </div> </div>	<div> <div>W N E S</div> <div>1♥ 1♠ 3♣</div> <div>P 4♥ P P</div> </div>	<div> <div>2</div> <div>W diamondgal</div> <div> ♠ QJ ♥ 9 ♦ J862 ♣ QJ9632 </div> </div>	<div> <div>N spbaskin</div> <div> ♠ 876543 ♥ K1064 ♦ 5 ♣ K10 </div> </div>	<div> <div>W N E S</div> <div>2♦ 1♦ P</div> <div>P P P</div> </div>
<div> <div>E Hayjoon</div> <div> ♠ AQJ963 ♥ J10 ♦ K987 ♣ 10 </div> </div>	<div> <div>S MichaelLair</div> <div> ♠ 4 ♥ A75 ♦ AQ104 ♣ QJ763 </div> </div>	<div> <div>4♥ N</div> <div>NS: 0 EW: 0</div> </div>	<div> <div>E pempines</div> <div> ♠ AK102 ♥ AQ73 ♦ KQ43 ♣ 8 </div> </div>	<div> <div>S hayjoon</div> <div> ♠ 9 ♥ J852 ♦ A1097 ♣ A754 </div> </div>	<div> <div>5♥ E</div> <div>NS: 0 EW: 0</div> </div>
<div> <div>6</div> <div>W flewemic</div> <div> ♠ 97 ♥ KJ84 ♦ 9 ♣ AKQ964 </div> </div>	<div> <div>N spbaskin</div> <div> ♠ 10543 ♥ 753 ♦ J10543 ♣ 2 </div> </div>	<div> <div>W N E S</div> <div>1♥ 1♦ P</div> <div>P P 4♥ P</div> </div>	<div> <div>3</div> <div>W Hayjoon</div> <div> ♠ 72 ♥ A843 ♦ AQ10543 ♣ 9 </div> </div>	<div> <div>N rpbutter</div> <div> ♠ KQJ10 ♥ Q652 ♦ 2 ♣ QJ106 </div> </div>	<div> <div>W N E S</div> <div>2♦ X 1NT</div> <div>P 4♣ P P</div> </div>
<div> <div>E bbrewer</div> <div> ♠ AKJ8 ♥ AQ109 ♦ A872 ♣ 8 </div> </div>	<div> <div>S hayjoon</div> <div> ♠ Q62 ♥ 62 ♦ KQ6 ♣ J10753 </div> </div>	<div> <div>4♥ W</div> <div>NS: 0 EW: 0</div> </div>	<div> <div>E spbaskin</div> <div> ♠ 93 ♥ K107 ♦ 986 ♣ 85432 </div> </div>	<div> <div>S heringbess</div> <div> ♠ A8654 ♥ J9 ♦ KJ7 ♣ AK7 </div> </div>	<div> <div>4♠ S</div> <div>NS: 0 EW: 0</div> </div>

Three of these boards involved leads of unsupported Aces and each time the silent partner held the King.

### C. Argument

The Charged Parties professed their innocence in disclosure and commented on some questioned boards. The Charging Party's argument was brief, asking for a minimum of a two-year suspension because this is one of the most egregious cases they have seen.<sup>13</sup>

## **II. The Panel's Findings of Facts and Conclusions**

Once again, an OEOC Panel is asked to infer from arguably unusual auctions and remarkably successful leads and defenses that a partnership's online bidding and defenses involved exchanging unauthorized information about their hands not presented by their auctions.

This Panel has reviewed not only the 30 boards presented by the Charging Party at the disciplinary hearing, but also all the boards presented by the Charging Party in

<sup>13</sup> The Advocate initially asked for the maximum punishment, but when the Advisor pointed out that expulsion is the maximum punishment available for violating former CDR section 3.20, the Advocate specified a suspension of at least two years, saying the request was not for expulsion.

disclosure, including all of the 215 leads from unsupported Kings against suit contracts. In our above summary of the hearing evidence and the Charged Parties' positions about some boards, we have already indicated our views about the relative probative values of various boards. We will now analyze more of the evidence produced in disclosure.

## **A. The Panel's Analysis of the Evidence**

### **1. The Probative Values of Leads from Unsupported Kings**

We feel compelled to comment that some of the Charging Party's evidence is not as probative as it seems to think. For example, the Charging Party has pointed out that of 215 leads from unsupported King holdings against suit contracts, the Charged Parties missed connecting with either an adjacent honor or a void only 4 times, for a purported success rate of over 98%, as compared to the expected hit rate of about 70%.<sup>14</sup>

However, the Charging Party hasn't factored in how many of these lead choices were potentially influenced by partner having bid the suit led, raised the suit, showed the suit by a conventional bid, or otherwise indicated values in the suit by a lead-directing double, a takeout double, or another kind of double. Our own review of the 215 leads indicates that 111 of them, over 50%, were guided by partner's bidding.<sup>15</sup> Unless we are to consider it suspicious to lead your partner's bid suit, these 111 boards should be subtracted from the accuracy calculation. While a player cannot guarantee high cards when bidding a suit, most bids describe strength as well as length, making partner's bid suit one of the highest priorities for an opening lead.

The Charging Party also hasn't accounted for defenders making a standard lead, in the absence of other information, of fourth from the leader's longest and strongest suit. The convention card of the Charged Parties in this case indicates they lead third and fifth best (p. 11), which we equate to fourth best. We also consider a lead as "fourth best" if the opening lead is the top of an interior sequence in the leader's longest and strongest suit.<sup>16</sup> Reviewing the unguided leads in evidence to see if they qualify as fourth best, we attribute another 40 of the leads from Kings (almost 19%) to being this kind of standard lead. Again, unless making standard leads is going to be considered suspicious, the success rate of such leads shouldn't be weighed against Charged Parties.

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<sup>14</sup> The Charging Party is asking the Panel to accept its assertion that the expected hit rate is about 70% for leading and underleading Kings on defense without any documentation of this assertion.

<sup>15</sup> We recognize that leading a suit may also be said to be guided by the opponents' bidding, for example when they bid every suit but one, but our concern about guided leads is focused on suits showed by partner's bidding.

<sup>16</sup> Of course we do not include leading an unsupported Ace or King from the leader's longest suit as fourth best.

Subtracting out these 111 guided leads and 40 fourth best leads, there remain 64 leads meriting further attention. Four misses out of 64 leads is still a success rate of almost 94%, but we believe this is a fairer calculation of potentially suspicious leads.

The Charging Party has highlighted 28 contraindicated leads as meriting particular attention, and we agree with this emphasis. If leading partner's bid suit is expected on defense, then not leading a suit that partner has bid is contraindicated. And because opponents are also generally showing strength and length by bidding a suit, leading or underleading a King in a suit bid by an opponent is particularly contraindicated.<sup>17</sup> A defender should have a good reason for making a risky contraindicated lead or underlead of an unsupported King.

Of the 28 contraindicated leads in disclosure, the Charging Party presented five at the hearing. (See part I.B.2.(B) above.) Four of them were contraindicated because partner had bid a different suit and one apparently because the leader had a solid sequence from which he could have led.<sup>18</sup>

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<sup>17</sup> We note one exception to classifying a lead as contraindicated is if the opponents have bid every suit. It makes no sense to say that every possible lead is contraindicated, though probably some are more than others, depending on the auction. By the same token, a player's failure to lead a void in partner's bid suit cannot be considered contraindicated.

<sup>18</sup> We disagree with the Charging Party's characterization of five listed leads in the 28 as contraindicated, including board [12](#) from July 5, 2020 presented at the hearing. We don't consider the lead on that board to have been contraindicated because the leader could have led from a solid sequence in a different suit, particularly as the opponent was willing to enter the auction at the 5-level over Sam's 4 ♥ opening. One wouldn't expect the bidder to hold too many losers in Sam's suit.

On board [9](#) from May 16, 2021, the opponents had the auction 1 ♠ - 2 ♠ - 4 ♠. Sam doubled after 2 ♠ holding a 1=4=3=5 eight-count, and Judy led the ♥ 7 holding ♠J53 ♥ K97 ♦ KQT6 ♣ Q97. Sam's takeout double showed the other suits, so we don't consider this lead contraindicated, but guided. Possessing the KQ didn't mandate a ♦ lead.

On board [1](#) on November 2, 2021, the opponents bid two suits naturally and Sam was silent. Judy led fourth from her longest and strongest suit, not one that the opponents had bid. We don't consider this lead contraindicated.

On board [8](#) on October 2, 2022, after Sam overcalled a 1 ♦ opening with 1 NT, Judy doubled her RHO's 2 ♣ bid with 4-4 in the majors. Her double wasn't alerted as Stayman, so it appears to have been a takeout double for the majors. Sam led fourth best from his longest and strongest ♥ suit, again not a contraindicated lead, but a guided lead.

(Cont.)

The Charging Party did not display at the hearing any of the five times (all found in disclosure) that the Charged Parties successfully led a suit bid by opponents, which occurred on boards [10](#) on May 12, 2020, [9](#) on August 23, 2020, [1](#) on March 28, 2022, [8](#) on September 24, 2022, and [3](#) on December 4, 2022. We will set out three of these.

<div>10</div> <div>D</div>		<div>N</div> <div>spbaskin</div> <div>♠ AJ4</div> <div>♥ J82</div> <div>♦ A983</div> <div>♣ J102</div>	<div>W</div> <div>N</div> <div>E</div> <div>S</div> <div>1♠</div> <div>P</div> <div>2♥</div> <div>P</div> <div>3♥</div> <div>P</div> <div>P</div> <div>P</div>				
<div>W</div> <div>5101Bev</div> <div>♠ Q8632</div> <div>♥ 93</div> <div>♦ Q62</div> <div>♣ A63</div>		<div>♠ 7</div>		<div>E</div> <div>ccdesantis</div> <div>♠ 9</div> <div>♥ AK10764</div> <div>♦ J1054</div> <div>♣ Q5</div>			
		<div>S</div> <div>Hayjood</div> <div>♠ K1075</div> <div>♥ Q5</div> <div>♦ K7</div> <div>♣ K9874</div>	<div>3♥ E</div> <div>NS: 0 EW: 0</div>				

The ♠ lead on board 10, not Judy's longest suit, is not the only interesting aspect of that defense. Sam played the ♠ Ace, not the Jack, when Judy led her third best ♠. Sam immediately shifted to the ♦ 3, underleading his Ace to Judy's doubleton King. She continued ♦s and got a ruff on the third ♦.

D	8	N	spbaskin		W	N	E	S
		♠	6	1♦	P	1♥	2♣	
		♥	A1094	2NT	P	3♣	X	
		♦	Q10962	3♥	P	4♥	P	
		♣	962	P	P			
W		jan0107		E		Diannemk		
♠	KJ43	♠	A975					
♥	J7	♥	K8653					
♦	AJ53	♦	74					
♣	Q54	♣	A3					
			♦8					
		S	Hayjood					
		♠	Q1082					
		♥	Q2					
		♦	K8					
		♣	KJ1087					
					4♥E	NS: 0 EW: 0		

D	3	N	spbaskin		W	N	E	S
		♠	J103	1♦	P	1♠	P	
		♥	32	2♣	P	4♠	P	
		♦	Q5	P	P			
		♣	J108542					
W		amiga2		E		sms5585		
♠	Q874	♠	AK96					
♥	AQ54	♥	J10					
♦	963	♦	AJ104					
♣	A6	♣	K97					
			♦7					
		S	hayjood					
		♠	52					
		♥	K9876					
		♦	K872					
		♣	Q3					
					4♠E	NS: 0 EW: 0		

On board 8, Judy didn't lead from her longest and strongest ♣ suit or from her second longest ♠ suit. Instead, she led low from her doubleton ♦ King, the suit her LHO had opened, thereby finding the highest card in Sam's hand outside of his trump holding.

Finally, on board [4](#) on November 2, 2022, Judy showed the majors by bidding 2♥ over a NT opening and Sam led the ♠ King, not a suit bid by opponents, who had landed in 3♣. This was a guided lead, not a contraindicated lead.

On the other hand, we believe the Charging Party should have highlighted four other leads as contraindicated, namely boards [17](#) on June 7, 2022 and [2](#) on October 3, 2022 for leading opponent's suits, and boards [5](#) on June 1, 2021 and [2](#) on November 19, 2022 for not leading partner's suit.

Similarly on board 3, Judy didn't lead from her longest and strongest ♥ suit, instead underleading her ♦ King in the suit LHO had opened, finding the highest card in Sam's meager hand.

On board 1 from July 14, 2020 (also in disclosure), while not leading an opponent's suit, the Charged Parties twice avoid leading the suit they'd both bid.

D	N Rakesh_S		W	N	E	S
1	♠ AKQ10			1♦	X	P
	♥ 2		1♠	2♦	2♠	3♦
	♦ AK9832		P	P	P	
	♣ Q6					
W hayjood			E spbaskin			
♠ 9542			♠ J873			
♥ AQ10		♥4	♥ KJ84			
♦ Q			♦ J10			
♣ 109532			♣ KJ7			
	S dshrager					
	♠ 6					
	♥ 97653					
	♦ 7654					
	♣ A84					
		3♦ N NS: 0 EW: 0				

Instead of the ♠ suit Judy had bid, Sam led fourth from his longest and strongest ♥ suit and found Judy's strongest concentration of values. Apparently understanding the ♥ 4 as fourth best (not third), after winning the ♥ Ace, Judy immediately switched to a ♣, not returning the suit that Sam had raised, but finding Sam with a tenace.

Due to the extremely high risk in making a contraindicated lead from an unsupported King holding, one wouldn't expect the success rate to be that high, but the Charged Parties only missed three times, on boards 6 on January 1, 2021, 3 on January 3, 2021, and 9 on October 31, 2022. We observe that on all three of these boards, any opening lead was doomed to miss due to their partner's holdings. With our comments in footnote 18 above in mind, we count 27 contraindicated leads from Kings made by the Charged Parties and note that they only missed three times for a success rate of almost 89%.

## **2. The Probative Values of Selective Leads of Singletons**

In disclosure, the Charging Party cited six boards as examples of when Charged Parties didn't lead a singleton and partner didn't have the Ace opposite the singleton. (P. 38.) At the hearing, they added two boards from the full sessions when a singleton lead found partner's Ace for a ruff.

Unlike the leads from Kings evidence, this collection of boards didn't purport to show every time one of the Charged Parties held a singleton and either led it or didn't. This Panel isn't sure what we are supposed to make of this small sampling of

boards.<sup>19</sup> We acknowledge that apparently knowing when to lead a singleton on defense could be revealing and probative evidence, but the Panel finds very little probative value in the Charging Party's presentation on this point.

### **3. The Probative Values of Singleton-finding Leads of Unsupported Aces**

In disclosure the Charging Party identified 18 boards during which a Charged Party made an opening lead of an Ace unsupported by the King against a suit contract and continued the suit for a ruff, finding partner with a singleton or void. (P. 37.) Unlike the leads from Kings, this list is not described as comprehensive.<sup>20</sup> In part 1.B.2.(A). above, we have set out the 10 of these 18 boards that the Charging Party displayed at the hearing and indicated our assessment of their relative probative values.

As we have already noted, for partner to drop an honor when an Ace is led is likely to indicate a singleton, but the initial question is what about the auction or the leader's hand suggested that partner would have a singleton or void to encourage leading an unsupported Ace. Three sets of circumstances come to mind. (1) The longer the leader's holding in a suit, the greater the odds that another player is short. (2) If partner has preempted, partner is likely short somewhere. (3) The opponents' bidding has indicated length in that suit and the leader's holding indicates partner may be short.

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<sup>19</sup> Our own review of the 5,000 boards played by the Charged Parties reveals that they were on lead against a suit contract with a singleton 241 times and on 102 of those occasions partner held the Ace in that suit. Of those 102 times, a Charged Party led the singleton 72 times and didn't 30 times. Whether this success rate in finding Aces with singleton leads differs from the norm, this Panel has no idea. In any event, we are not going to rely on our own study of the 5,000 boards played when the Charged Parties have had no opportunity to respond to the results of our searches.

<sup>20</sup> Our own review of the 5,000 boards in evidence reveals that there were 29 times a Charged Party led an Ace and continued, finding partner with voids four times and singletons the other 25 times. This may sound a perfect record, but our review of the boards also reveals that there were 37 other boards when the opening leader had an unsupported Ace opposite a singleton and did not lead the Ace. On some of them, the unsupported Ace lead was deferred until the defenders either set up or cashed other tricks on defense. (E.g., boards [1](#) on September 6, 2020, [6](#) on August 2, 2021, [11](#) on January 22, 2022.) On another board, the ruff would have been with a natural trump trick. (Board [7](#) on October 18, 2020.) On yet boards, the ruff never materialized. (E.g., boards [2](#) on May 13, 2020, [3](#) on May 23, 2020, [4](#) on November 2, 2022.)

We do not intend to analyze the probative value of these 37 other boards not specifically discussed in disclosure. However, we do recommend that the Charging Party try to paint a more complete picture when listing unsupported Ace leads that found singletons when there are numerous other boards when a Charged Party did not lead an Ace though partner had a singleton or void. Charged Parties who are unequipped with the computer searching software of the ACBL may be unable to easily locate such boards.

With these sets of circumstances in mind, we are particularly concerned about what information would cause a player to lead an unsupported Ace in a relatively short suit of three or four cards in the hopes of giving partner a ruff.<sup>21</sup> At the hearing, the Charging Party displayed every unsupported Ace lead in its disclosure that was from a holding of three or four cards.

We note that Sam in disclosure gave a plausible explanation for one board when Judy led an unsupported Ace from a five-card suit after Sam had preempted in a different suit, namely that his preempt indicated he was short somewhere. But this explanation doesn't work to explain why the Charged Parties led unsupported Aces in three- and four-card suits or from some other five-card suits.

Perhaps, as Jack also explained Judy's lead, unsupported Ace leads were intended to get a preview of the dummy to get more information about what to lead next. We recognize that continuing the suit is indicated if partner drops an honor in response to an unsupported Ace lead or shows a void (e.g., board 6 on October 31, 2022). However, as we noted above, on board 11 on July 23, 2020, Judy led an unsupported Ace in a four-card suit and continued without receiving similarly encouraging information.

11 D	N carikc	W N E S
	♠ Q106 ♥ 104 ♦ Q1082 ♣ KJ107	X 1NT 2♠ 1♥ 3♣ 4♥ P 3♥ P P
W hayjood	E spbaskin	
♠ KJ72 ♥ 53 ♦ KJ7 ♣ A832	♠ 98543 ♥ J87 ♦ 9653 ♣ 5	
	S coquette1	
	♠ A ♥ AKQ962 ♦ A4 ♣ Q964	
		4♥ S NS: 0 EW: 0

On board 11, the auction showed that one opponent was long in ♥s and that Sam had at least four ♠s, but nothing indicated that the opponents also had an eight-card ♣ fit. Even seeing the dummy after leading the ♣ Ace and Sam following with the ♣ 5 shouldn't have encouraged a continuation of that suit.<sup>22</sup>

#### **4. The Probative Value of the Questioned Auctions**

Unlike some recently published cases, in this case the Charging Party did not organize questioned auctions in its disclosure or its hearing presentation by themes, such as compensating overbids, compensating underbids, or successful off-shape

<sup>21</sup> We recognize that different bridge logic applies to leading a doubleton Ace, because the leader may be hoping for a quick ruff.

<sup>22</sup> And we note that on 11, after ruffing a ♣, Sam sought to return to Judy's hand with a ♦, not the ♠ suit she had raised. What suggested that switch?

takeout doubles. In disclosure, the Charging Party presented hand and auction diagrams for 19 questioned auctions, and made comments on 10 more auctions from the five full sessions. At the hearing, the Charging Party displayed 10 of these auctions. Our above summary presented all 10 in order, in our opinion, of their relative probative values. We put last the board apparently involving a failure to alert a conventional equal level conversion bid, because it is plausible, as Sam said, that they use the convention.

Despite the Charged Parties' efforts to explain nine of the ten questioned auctions in their disclosure (all summarized above in part I.B.1.), we do not find those explanations equally credible. Two involved landing on their feet despite admitted misbids. A third, board 7 (below) on January 5, 2023, was characterized simply as getting lucky with an aggressive bid employing their aggressive style.

<div>7</div> <div>D</div>	N SuryaBee	W N E S
	♠ KJ987 ♥ AQJ2 ♦ 106 ♣ 92	2♣ 3♣ P 3♦ P 3♥ P 3♣ 3NT P P P
W spbaskin		E Hayjood
♠ A52 ♥ K1098 ♦ A ♣ AKQJ5		♠ 106 ♥ 765 ♦ KQ753 ♣ 1043
	S prestonm	
	♠ Q43 ♥ 43 ♦ J9842 ♣ 876	
		3NT W NS: 0 EW: 0

But on a different board, another board 7 from November 3, 2022, Sam gave several reasons for being passive rather than aggressive.

<div>7</div> <div>D</div>	N spbaskin	W N E S
	♠ KQ42 ♥ A2 ♦ KJ92 ♣ AKQ	1♥ X P 2♦ P P P
W bjkhani		E hey1
♠ AJ5 ♥ KQ986 ♦ Q8 ♣ 863		♠ 10763 ♥ 1074 ♦ A74 ♣ J42
	S Hayjood	
	♠ 98 ♥ J53 ♦ 10653 ♣ 10975	
		2♦ S NS: 0 EW: 0

Holding a flat 22, Sam simply made a takeout double and didn't make another call to indicate a powerful hand. He said he was concerned about jeopardizing a higher contract, with "Judy having very few high cards."

While on January 5, 2023, Sam thought that "Bidding 3 NT and playing partner for some modest values is well worth going down 1 or perhaps 2 tricks," on November 3, 2022, he was afraid to jeopardize their contract. And it turned out he was right both times, playing Judy for modest values when she had them and not when she didn't. We



acknowledge that his hand on January 5 had more quick trick taking potential, but he seemed to know when to expect some help and when not do.

There were three other boards in the Charging Party's disclosure that the Charged Parties essentially ascribed to luck.

<div>2 D</div> <div>W spbaskin</div> <div>♠ J5 ♥ J973 ♦ 942 ♣ A982</div>	<div>N ELshuman</div> <div>♠ 10974 ♥ K1042 ♦ J5 ♣ 743</div>	<div>W N E S</div> <div>X P 1♠ 2♦ X P 3♣ 3♦ X P P P</div>	<div>4</div> <div>W Gabyg</div> <div>♠ 9765 ♥ 98732 ♦ 72 ♣ 32</div>	<div>N spbaskin</div> <div>♠ KJ3 ♥ 1064 ♦ AQ109 ♣ A105</div>	<div>W N E S</div> <div>P 1♦ P 1♥ P 1NT P 6NT P P P</div>
<div>6 D</div> <div>W Redbird44</div> <div>♠ 76 ♥ QJ6 ♦ 1085 ♣ QJ1075</div>	<div>N spbaskin</div> <div>♠ KQ82 ♥ A108 ♦ 63 ♣ A643</div>	<div>W N E S</div> <div>P 1♠ P 1♦ P 6NT P 3♦ P P</div>	<div>E Frankaus</div> <div>♠ J10943 ♥ K9432 ♦ 72 ♣ 8</div>	<div>S Hayjood</div> <div>♠ A5 ♥ 75 ♦ AKQJ94 ♣ K92</div>	<div>6NT N</div> <div>NS: 0 EW: 0</div>
	<div>E hayjood</div> <div>♠ AKQ82 ♥ 85 ♦ A6 ♣ KJ105</div>			<div>E flossy</div> <div>♠ Q1082 ♥ K ♦ J54 ♣ Q9874</div>	
<div>S gershland</div> <div>♠ 63 ♥ AQ6 ♦ KQ10873 ♣ Q6</div>	<div>3x S</div> <div>NS: 0 EW: 0</div>		<div>S hayjood</div> <div>♠ A4 ♥ AQJ5 ♦ K863 ♣ KJ6</div>	<div>6NT N</div> <div>NS: 0 EW: 0</div>	

Sam's comment on board [2](#) from October 9, 2022 was: "I mentioned that I'm aggressive and make some foolish bids. My double is an extremely foolish double. Assuming I could see both hands, which I cannot, the [♣]s would have to break two – two to have a chance of beating a three level contract. Stupidity is the only explanation for the double. A very, very, bad bid."<sup>23</sup> (P. 55.)

Regarding board [4](#) on November 6, 2022, their comment was, "Judy and I talked about her 6 NT bid and agreed that a quantitative bid of 4 NT is more appropriate." (P. 61.) Regarding board [6](#) on January 2, 2023, Sam stated: "Judy shows at least 6 [♦s] and 16 to 18 points with her opening of 1 [♦] and then a jump to 3 [♦]. Judy's jump to 3 [♦s] made it very difficult for me to bid. I was not sure how Judy would take a 4 NT bid after her 3 [♦] bid so I made the aggressive bid of 6 NT. Judy should have the ace

<sup>23</sup> We observe that the Charged Parties aren't accused of seeing all four hands, just each other's hands.

of [♠]s and the ace of [♦]s. My [♠] holding should produce 1 or 2 throw offs. Not my greatest bidding sequence.” (P. 62.) Again, Sam guessed right.

We aren’t sure why Sam was concerned on board 4 about making a confusing bid. In two other arguably more obscure auctions questioned by the Charging Party, the Charged Parties appeared to be on the same pages.

D 12	N Deb Young	W	N	E	S
	♠ 3	1♦	1♥	1♠	2♥
	♥ AQJ987	X	3♥	4♥	P
W Hayjood	♦ J54	6♣	P	P	P
	♣ QJ2				
S 5thTKD	♠ 874	E spbaskin	♠ AKQ952		
	♥ K642		♥ 1053		
	♦ A108		♦ 63		
	♣ 763		♣ 85		
		6♣ E NS: 0 EW: 0			

D 12	N calpena	W	N	E	S
	♠ J	P	2♥	3♥	X
	♥ KJ5432	3NT	P	6♦	P
W Hayjood	♦ 42	P	P		
	♣ A754				
S finitajose	♠ A1084	E spbaskin	♠ KQ97652		
	♥ Q108		♥ A		
	♦ 73		♦ AKJ98		
	♣ KQ109		♣		
		6♦ E NS: 0 EW: 0			

On the first board 12 on September 30, 2022, Sam explained, “My 4 [♥] cue was meant to show solid [♠]s and nothing else on the side.” (P. 56.) Judy seemed to understand exactly what his 4 ♥ bid meant and that he would have no more than one minor loser opposite her holdings. On the second board 12 on November 4, 2022, Sam stated: “Once again the bidding gets seems to get accelerated. RHO opens 2 [♥]s and I bid 3 [♥]s showing [♠]s and a minor, with my LHO doubling my 3 [♥]s bid. Judy bid 3 NT which is not to play but rather for the minors. Being afraid to bid 4 [♠]s I select to bid 6 [♦]s.” (P. 61.) Sam apparently knew that Judy’s 3NT bid wasn’t to play, but showed the minors, making his rebid with a two-loser hand obvious.

## 5. One More Defense

One of the four boards in the Charging Party’s disclosure in the “leads and defense” that weren’t included in a labeled list was board 8 played on January 7, 2023.

D 8	N ScooterGal	W	N	E	S
	♠ K4	P	P	1♠	2♦
	♥ Q95	2♠	3♦	3♠	P
W spbaskin	♦ KJ104	P	4♦	4♠	5♦
	♣ J964	P	P	X	P
S lovedwell	♠ AJ	E Hayjood	♠ Q108632		
	♥ 864		♥ A1032		
	♦ A9765		♦ Q		
	♣ 532		♣ AQ		
		5♦ S NS: 0 EW: 0			

On that board their opponents chose to sacrifice in a doubled 5 ♦. The Charged Parties arranged to cash six tricks before leading the only suit each had bid. It started with Sam

underleading his ♣ King, allowing Judy to cash her ♣ Ace and Queen. At trick three, Judy underled her ♥ Ace to Sam's King, enabling Sam to cash his ♣ King before returning the ♥ Jack to force out the Queen so that Judy could cash her Ace and Ten. Only at trick seven did Judy lead the suit they had bid.

The Charging Party noted Judy's underlead of the ♥ Ace at trick three. Sam's only comment on the board was "Since our side had shown many [♠]s I led from strength trying to produce tricks in another suit." (P. 59.) This doesn't address the seeing-eye nature of the first six tricks.<sup>24</sup> It is uncanny how the Charged Parties knew to avoid leading their suit during this defense.

## **B. The Panel's Conclusions**

The Panel understands that it may be difficult for a bridge player to justify or even explain all of his or her bids and defenses during a routine game played three years earlier, particularly if the routine games were fast-paced speedball games and the player has played several thousand subsequent boards with the same partner. However, the burden of proof is not on the Charged Parties to prove anything. According to the Guidelines for Conducting Disciplinary Hearings (former CDR Appendix A), the burden is on the Charging Party to prove that Charged Parties have committed an alleged ethical violation to the hearing panel's comfortable satisfaction.<sup>25</sup> (Appendix A, parts V.G and VI.A.)

### **1. The Charged Parties Violated the CDR**

In this case, the Charged Parties, Sam Baskinger and Judy Rothstein, have offered plausible explanations for some of their questioned auctions and a few of their questioned defenses. However, even they have acknowledged that they landed on their feet again and again despite neglecting to use available conventions. They have ascribed their favorable outcomes to good luck, good guesses, and good bridge logic, but in light of all the evidence presented by the Parties and discussed in this report, the Panel is unanimously comfortably satisfied that a number of their bids and defenses were guided by unauthorized information about their partner's hands. While some of the Charging Party's evidence is not as probative as it thinks, the Charging Party has more than carried its burden of establishing

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<sup>24</sup> Because of the position of the cards, the same result could have been accomplished had Sam underled his ♥ King.

<sup>25</sup> Oddly, while the latest CDR states in section 501(A), "The chairperson of the Disciplinary Body should be familiar with this CDR and its Guidelines for Conducting Disciplinary Proceedings (CDR Appendix A)," the Guidelines and Appendix A were actually omitted from the CDR in a revision effective August 1, 2021. Nevertheless, the OEOC continues to apply the Guidelines because there is no other provision in the CDR that specifies any burden or standard of proof.

that the Charged Parties violated former section 3.20, which on May 1, 2020 prohibited “Cheating and Other Ethical Violations.”<sup>26</sup>

## **2. The Appropriate Discipline**

Once the Panel concluded that the Charged Parties had violated the CDR, the Panel was informed by the Advisor that they have no prior disciplinary records. This circumstance is relevant to the appropriate discipline, though not to finding a violation. (Former CDR section 5.2.7.)

As of August 15, 2020, the CDR was drastically overhauled, in part by including the minimum recommended discipline in the same section that defines the offense. New section 301(A)(6) stated, “The recommended discipline for a finding that a person has committed a First Degree Ethical Violation is no less than 2 years Suspension to Expulsion, with an appropriate term of Probation no less than 2 years following the term of suspension, and removal of 25-100% of the Disciplined Person’s total masterpoint holding.” However, the CDR applicable in May 2020 had recommended discipline set out in two charts in Appendix B to the CDR, Chart 1 for conduct violations and Chart 2 for ethical violations. The recommended range of discipline for E19 violations of section 3.20 was from “90 days Suspension up to Expulsion (NOTES 2 and 3)” and also the forfeiture of “0-100% of Disciplined Person’s total masterpoint holding.” Note 3 stated, “If a Disciplinary Body imposes a Suspension in this case, then it is encouraged to also impose an appropriate term of probation following the term of suspension.”

The Charging Party has asked the Panel to impose what has become the minimum recommended discipline for a First Degree Ethical Violation and not the earlier minimum of a 90 day suspension due to the egregious nature of the misconduct. The Panel believes it is appropriate to hold more experienced players to higher standards and the Panel has concluded that the discipline should be two years of suspension, followed by two years of probation, and forfeiture of 50% of their respective masterpoint holdings.

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<sup>26</sup> Though the CDR has undergone a number of changes since May 2020, we refer to that version of the CDR because “(i) what constitutes a violation of the CDR subject to discipline and (ii) penalties to be imposed apply only to offenses which occur on or after the effective date of the revisions.” (Former CDR section 10.6.)