



Lesson 7: Overplaying

Steven Lubet

ONE OF THE GREAT ironies of poker is that it is considerably easier to bluff (or semi-bluff) a good player than a poor one. Against a poor player, therefore, you will always face the risk of overplaying your hand. Fancy tactics will tend to backfire because your opponent will be too naive to appreciate or react to them.

A good player will understand that your bets have meaning, and she will try to out-think you. She will realize, for example, that an initial check followed by a big raise usually means that you have a premium hand (the check was intended to keep players in the pot, and the subsequent raise was meant to get more action from the drawing hands). She will at least consider folding in response, although she might call your bet if her own hand is decent. Then, once you have won several showdowns in those situations, you can vary your play by check-raising as a bluff. Having been trapped a few times, good players will fold rather than risk another huge bet.

Other techniques are possible as well, so long as your opponent is smart enough to react to them. The best bluffs work because they change the pot odds, making the possible returns too unattractive to risk calling. Good players recognize this, of course, because they calculate pot odds. For example, if there is already \$1,000 in the pot (with two players left), a \$100 bet would almost always be worth calling (assuming playable cards) because the pot odds are 11 to 1. With a \$500 bet, however, the pot odds drop to 3 to 1, making it much more expensive for your opponent to play. Understanding these calculations, a good player will simply do the math. She will call if she thinks there is a 50% chance you are bluffing, but she will fold if she thinks that the probability is 25% or less. An even larger bet – say \$1,000 or \$2,000 – will shift the calculus even more dramatically, making it nearly impossible for a sophisticated player to stay in the pot.

Novices and other poor players never calculate the pot odds, so they seldom realize

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when they are making bad bets. They don't even try to interpret your moves, so they are not susceptible to sophisticated plays. The legendary Doyle Brunson says that "against a low-grade player you simply make the obvious play." Instead of getting fancy, "you play *fundamentally* better (rather than strategically better) than a weak player."

Brunson tells the story of an obviously weak player who entered the 1977 World Championship Tournament. "He was the supreme example of a *calling station* – a player who's next-to-impossible to bluff." Brunson quickly realized that there was no way to outmaneuver a player who was likely to call every bet. "I quickly decided that if I was in the pot with him, I was going to show him a hand. And, if he got lucky enough to beat me ... well, he was going to beat a hand."

Not every professional, it appears, was so astute, as Brunson explained in his uniquely emphatic and ellipses-laden prose:

There were other very good players in the Tournament who tried to *run over* him – tried to force him out of a pot. They would bluff at him constantly ... and they were **rarely** successful.

You simply **can't** bluff a **bad** player ... because a bad player will play when he's got some kind of a hand and will pass when he doesn't have a hand.

All you have to know is if he's in the pot ... he's got something. And you're not going to get him out of the pot by trying to bluff him.

Above all ... **you don't want to gamble with a weak player**. Forget about that ... show him a hand. You do very fundamental things against a bad player. Obvious things. That is ... no tricks ... no strategic plays ... nothing fancy. Play straight-forward poker against a weak player.

The great poker writer Herbert Yardley put it a bit more succinctly: "Never bluff a

simpleton," he said. Poor players will be so busy looking at their own cards that they won't try to figure out your hand. Strong players will fold when they believe you have superior cards, but once "a sucker stays it is hard to drive him out."

Alan Morrison, the longtime director of the Public Citizen Litigation Group, tells the following story about opposing lawyers who seriously overplayed their hand.

In the late 1980s, Merrill Williams was a temporary paralegal working for Wyatt Tarrent & Combs, defense counsel for Brown & Williamson in tobacco liability litigation. In the course of his work, Williams read many documents that revealed unpleasant secrets about the tobacco industry. Himself a long-time smoker, he began secretly to remove and copy hundreds of documents from the Brown & Williamson file (without much difficulty and without being detected, although he did this over the course of many weeks).

Williams was laid off in 1992 and shortly afterward suffered a heart attack, which he attributed in part to his cigarette habit. He consulted an attorney about a possible suit against B&W, informing the lawyer about the purloined documents. The lawyer, in turn, wrote to B&W with a demand for money damages, revealing Williams's identity and the existence of the copied documents.

Brown & Williamson responded aggressively, quickly obtaining a temporary restraining order (which later became a preliminary injunction), forbidding Williams from discussing the documents with anyone, including his own lawyers.

At that point, Morrison became involved in the case. He moved to modify the injunction, on the ground that it could not have been intended to prevent Williams from speaking with his own attorneys. Brown &

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Williamson resisted, however, and the court denied the motion. When the appellate court refused to intervene, Williams was barred from obtaining effective legal advice.

It seemed at first like a stunning victory for the tobacco company's lawyers, but it turned out that they had overplayed their hand. Here is how Morrison describes the events that followed:

So our client couldn't talk to us. This meant that we refused to produce him for deposition since we could not prepare him. But even worse, it meant he could not ask us for advice, and he therefore did not tell us that he had even more copied documents than originally disclosed. But he did talk with other lawyers, including the Mississippi Attorney General, who was preparing a massive suit against the tobacco industry.

The Mississippi A.G. persuaded Merrill that it was permissible to give him copies of the documents, since he was in law enforcement. I would have countermanded that advice if I had been allowed to talk with my client. But the preliminary injunction prevented that, and Merrill never realized

that he was violating the injunction.

That same enforced ignorance led him to believe that it was allowable to send the documents to Congressman Henry Waxman and to the Food and Drug Administration, who made them public.

Pressing their advantage, the B&W lawyers thought they could intimidate Merrill Williams into cooperating with them. They got what they wanted – or what they thought they wanted – from the preliminary injunction, but of course it boomeranged. Williams was far from a simpleton, but he did not understand the full extent of the injunction. Deprived of advice from his own lawyers, he naively assumed that he could give the materials to government officials.

That was a devastating result for B&W. Public exposure made its situation infinitely worse and eventually led to one of the largest civil lawsuits in U.S. history. Assuming that they could bludgeon a poor paralegal into compliance, the tobacco lawyers badly outsmarted themselves. Merrill Williams, it turns out, did not know enough to be afraid of them. *GB*