Bullfry looks down the barrel

By Lee Aitken

The vernal sun shone down brightly on the Domain. The air was alive with the scents of newly-cut grass and gorse; the sky a mezzotint of fighter contrails against the azure – both of Bullfry’s knees were, unusually, working effectively in unison as he strolled towards the Art Gallery. (This was far better indeed than slumbering on the Madame Recamier.) Was it worth having the recommended arthroscopy? The last acquaintance to do that was now limping permanently with the uncertain aid of a stick, unable to bend the infringing right leg which had undergone, perforce, a permanent arthrodexis after a virulent post-operative infection had set in. Leave well enough alone – *primum non nocere* – Bullfry’s usual preferred approach to matters personal, and forensic.

How often was masterly inactivity permitted in legal practice? All too rarely – this was invariably because a firm of solicitors, large or small, could only ‘service’ a file by doing something time-consuming and expensive in relation to it – making a five ‘unit’ phone call to the other side to check that documents had arrived; instructing three ‘senior associates’ on how they should comport themselves when instructing counsel; loading up six trolleys’ worth of archived files to deliver! And even less so in court was silence golden. Clients of archived files to deliver! And even less counsel; loading up six trolleys’ worth of documents had arrived; instructing three ‘senior associates’ on how they should comport themselves when instructing counsel; loading up six trolleys’ worth of archived files to deliver! And even less so in court was silence golden. Clients

On a recent foray to Umina, Bullfry had confronted an esteemed, and long retired jurist, outside the bottleshop.

‘I suppose you are still keeping up with the cases?’

‘What? You must be mad – as soon as I left the bench I gave all that up, and now I just read history and poetry, drink red wine, and sleep in the afternoon!’

Almost what one might call the ‘Sir Adrian Knox syndrome’. There was Knox, in durance vile, grafting away as the senior judge of the Commonwealth (subject, always, to section 23 of the Judiciary Act), travelling out to the AJC as judicial business all too infrequently permitted him – then, like a Lotto win, out of the blue, an old friend dies, and leaves Sir Adrian a huge chunk of a residuary estate – within a week or two, his polite letter of resignation is left the bench I gave all that up, and now I just read history and poetry, drink red wine, and sleep in the afternoon!’

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But what drove the present group of outside toilers? It couldn’t be for the money, could it? How much could a man (or a second wife) spend in a lifetime when his, and her, basic necessities were already defrayed from a ‘non-contributory’ fund? Perhaps it was the relevance deprivation - the fear that the telephone would no longer
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Ring? Or, that one’s opinion was no longer relevant at all to anybody. But that is the common lot of humanity—surely, sub specie aeternitatis, contemplation of the former judicial mind should turn to the higher realm, and the Four Last Things.

Perhaps it is simply a question of aping Lear—one is tied to the stake, and one must stay the course. In one sense, the study of law was a complete vocation so that it was well-nigh impossible once one had acquired a trained reflex to facts to avoid seeing every situation in its purely legal aspect. Bullfry, himself, had trouble to avoid thinking constantly on whether an easement or a contractual licence existed in a particular property context, and if it did, how it might be urgently enforced in the Equity Division. The second Mrs Bullfry frequently reproved him for his shouting at the television expose of some celebrated notional injustice on the more meretricious of the television programmes.

The constitutionally-mandated retirement age was also a ridiculous waste of resources—on the Court of Appeal the ‘Handley-dispensation’ might see the jurist ‘prorogued’ for an extended period—and what good value each AJA represented! Thirty-plus years of expertise for a few hundred dollars and sandwiches (vouchsafed daily) and the doubtful appanage of ‘AJA’, even when (as often) writing the main judgment. The feds had it even worse—there you were compulsorily shuffled off at 70. What a loss of expertise to the judicial system—if you could only understand equity when you had reached 40, you certainly needed another 30 years to master the intricacies and arcana of other areas of the law in detail.

As well, the great free-masonry of a learned profession meant that it was difficult to absent oneself entirely from the coffee shops and the revels, the hilarity and wassail of the Bench and Bar Dinner, the camaraderie of a ’Fifteen Bobber’, and the celebrity roast it always inspired. It is a large thing to remove oneself from the legal scene to the quieter watches of the night on the Central Coast. And yet so it must be! Eventually the PSA, or some other harbinger of doom, would reach a critical level.

He limped slowly back across the park into the westering sun—he was looking down the barrel now in every sense. Was it time for him to consider a ‘transition’ but if so, to what ultimate destination? Surely it was to the Epicureans, not the Cynics that one ought first to look: ‘Unborn tomorrow and dead yesterday, why fret about them if today be sweet’

Poetry

Judicial error, corrected

This barrister has no idea!
His words just don’t make sense
Perhaps I should provide some help—
My own munificence?

‘Forgive me please, young Mr Smith
But could it be you mean
That if one tries it this way round
The answer can be seen?’

‘Your Honour is of course correct
That sublime thought’s quite right
There’s nothing more that I could say
My mouth is now shut tight.’

Well, first impressions can be wrong
I should not judge with speed
This barrister is very wise!
And knows the law indeed.