

## 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 arthrodesis 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 (whatever their level of sophistication) were usually naïve observers of a forensic performance – *Drang und Sturm* was often much more appreciated, and highly rated, in the 'bet-the-company-men' than the quietly composed and understated performance – the berserker with his broadsword was preferred to the Florentine with his stiletto. Bullfry

recalled in his youth watching a master advocate in action before a dyspeptic Full Federal Court which urged the speaker to more fulsome and florid oration – 'It won't get any better if I say it again' he rasped, and sat down. Weaker counsel were often quite content for a matter to drag on and on, eking out the daily brief fee for fear of there being nothing remunerative to follow it.

At last, the Art Gallery – he had modestly refused a request to 'sit' for this year's Archibald – the literalness of a loincloth depiction would have unsettled any observer – as a former paramour had once remarked, undraped he normally evoked in the onlooker feelings of both horror and compassion. He turned in quickly to the Pre-Raphaelites and his favourite Waterhouse – 'Diogenes in his barrel' – that said it all – walking up and down Phillip Street with a lamp looking for an honest man – Bullfry supposed at least that there was more likelihood of success there, as opposed to Bond Street, or the lower reaches of Martin Place. And the sheer nonchalance of requesting favours from no-man – the Cynic's famous 'Bondi Beach' response to Alexander the Great when the latter had asked, as the most powerful man in the world, what he could do for the naked sunbathing philosopher – 'Why, stop blocking my sunlight, of course'.

But a desire for absence of care seemed far from the aspirations of the many tired ex-jurists Bullfry saw daily whose wan and weary faces trickled by each morning. What were they doing? And why were they doing it? On a recent foray to Umina, Bullfry had confronted an esteemed, and long retired jurist, outside the bottleshop.

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'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 into the G-G. No wonder Dixon CJ, going slowly mad in Hawthorn, feared that Knox was an 'intellectual man but without any intellectual interests'. (But of course, Knox enjoyed the leisure, and the income, for another two years at the St Ledger).

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.

Poem by Orbiculus