

Bullfry and lazy, hazy, crazy days of Summer

At last, a COVID-free holiday. He pulled on a fading 'rashie' and his battered Panama. The beach was calling him – the soothing sussuration of the surf – he had better be careful at the south end; the year before he had been 'tumble-dried' after misjudging the strength of the wave.

An old melody and its lyrics sprang to his lips:

*'Roll out those lazy, hazy,
crazy days of summer*

Those days of soda and pretzels and beer

*Roll out those lazy, hazy,
crazy days of summer*

*You'll wish that summer
could always be here.'*

He had grown increasingly fond of Aperol spritzer, Kosciuszko pale ale, and pretzels – all of which threatened his New Year resolution to get his BMI below 30. As he walked down the winding, seaside track he remembered a favourite nostrum – if hopes can be dupes, fears can be liars.

What matter that he had no chance now of finding the safety of a Consolidated Fund (the change of government had scuppered any chance of judicial preferment)? After all, who wants to be directed on what cases to take, or what matters to hear; or to be forced to leave a Bar Dinner just as the party is getting started; or always to be on guard, like Caesar's wife?

It may be true, as he had long realised, that life is a process of breaking down. It may be that the blows that do the dramatic side of the work – the big sudden blows that come, or seem to come, from outside – the ones you remember and blame things on and, in moments of weakness, tell your friends about, don't show their effect all at once. But even so, you must be a little like Ulysses in the poem – no matter if you are weakened by time and fate, you must be strong in will, to strive, to seek, to find, and not to yield!

He had sat recently in a quiet church-yard with a long-retired companion. The latter had made the excellent, and perhaps not obvious point, that it is only in looking back that one can discern the pivots upon which a life and career may turn. You may, for example, lose a big case and some pejorative comments

(*obiter*) are made about your performance by the Court of Appeal; imperceptibly, the phone rings less frequently and old retainers are no longer quick to offer a juicy three-day outing before the Federal Court. On the other hand, you may have a *succes d'estime* that is picked up by the tabloids and propels you, like Rayner Goddard, into a huge banking practice (it was only by the happiest chance that the Lord Chief Justice to-be had just read a recent case on an abstruse question of negotiability when solicitors knocked at his door on a Saturday morning seeking advice on the very point).

And if you downsize to the floor 'Annexe' – so what? You have taken some capital off the table, and made way for an up-and-comer. The view of Macquarie Street provides endless diversion (there is the Sudoku to do). The usual corner table at the Verandah awaits, where you are surrounded by fellow miscreants and failed jurists reviving *sub modo* the Bar common room of old, with all its jollity and raillery. And if the second Mrs Bullfry should intimate a distaste for snoring and fumbling and begins to treat you *quoad sororem*, get out and exercise – 10,000 steps a day across the Botanical Gardens walking arm-in-arm with an old friend, a Federal Court judge, who can enlighten you on the court's 'arising under' jurisdiction and other *arcana*.

As he approached the surf, diverse memories sprang to mind – the *pentimento* which is simply an old conception, replaced by a later choice, a way of seeing and then seeing again. Modern social media had a lot to answer for. Nothing is more pleasant than looking at ageing photograph albums – children (now grown up) when toddlers at the very beach you are approaching; a dinner with old friends at the small Italian in Crown St (long closed); the second Mrs Bullfry in the bloom of youth crossing Victoria Street?

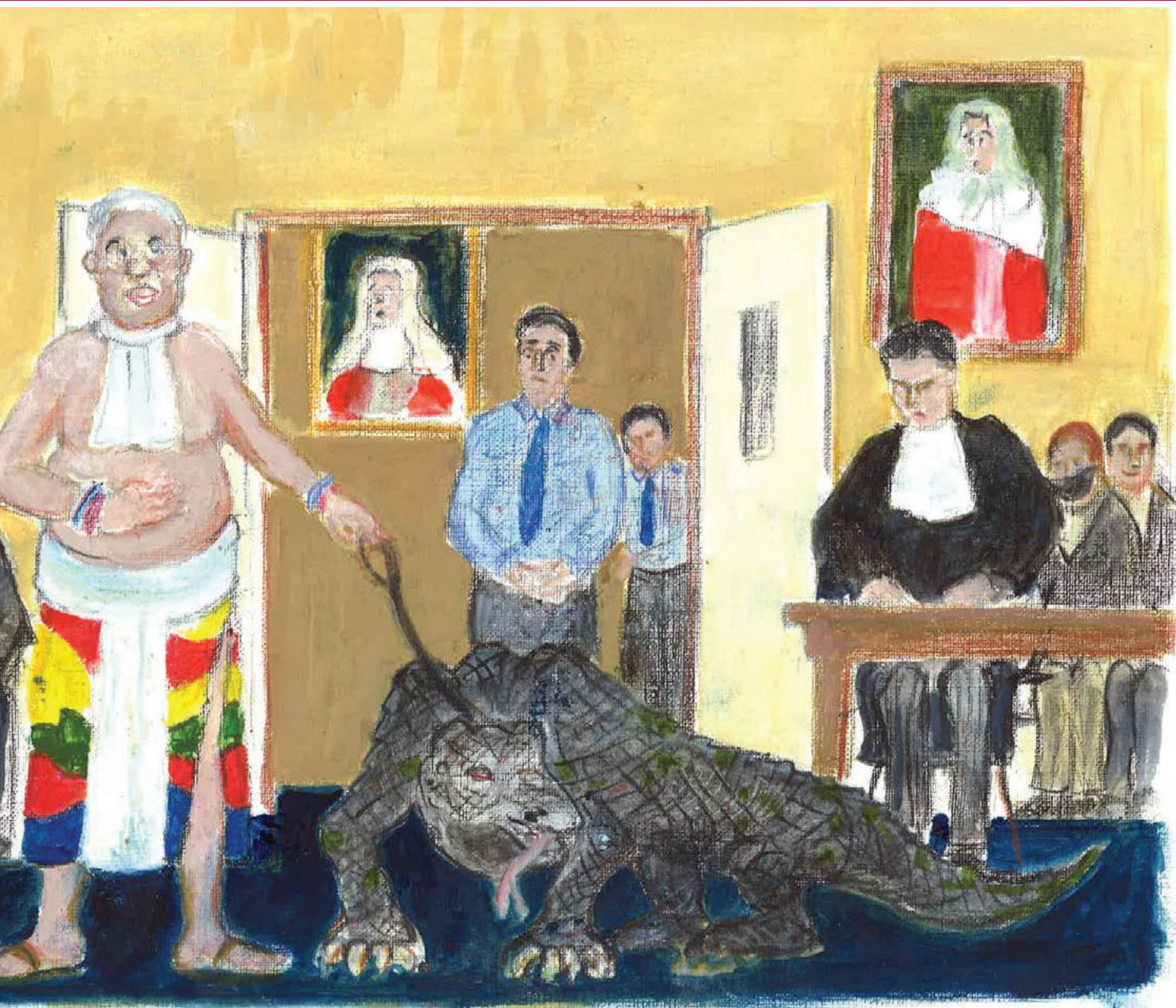
The paint on the internal memories ages – and you want to see what was there for you once, what is there for you now. Do the conceptions (past and present) match? Your comperes at the Bar have (sometimes) become senior, self-important jurists – it is always vital to respect the office, if not the woman. Perusing the 'new Silks' announcement, the only name you recognise is an old Common Law junior who has waited 29 years before applying. When at a floor dinner with a



young companion who inquires 'are you a barrister?', you give Lord Reid's celebrated answer: 'I was once'.

Time takes on an elastic quality. Question: then how can one manage not to lose time? Answer: experience it at its full length. But there are dangers in eking out every minute. Sit mute for three hours while Blenkinsop SC 'opens' a difficult point before a snoozing Court of Appeal; listen while a carpenter is cross-examined about how much he earned before he injured his arm; read, and reread, the aimless, meandering submissions of Snowball SC. On the other hand, when lost in some edifying pursuit, a day seems to pass in an instant. Which is a better use of limited time?

Another sort of blow that comes from within – you don't feel it until it's too late to do anything about it. The first sort of breakage (a forensic disaster; the retirement of a favoured solicitor) seems to happen quick – the second kind happens almost without your knowing



The appeal was not going well.

it but is realised suddenly indeed. But you cannot repine – there are many benefits which arise from the deference which youth owes to age – to begin, you almost always enjoy a respectful hearing in a Full Court because you can remember most of the judges as young men and women with all the foibles and follies they would now prefer to forget.

After his paddle, Bullfry thought he would have just one tiny nap on the terrace. He had had so little sleep of late, sitting up watching the cricket and rugby and drinking too much holiday Barolo.

After a short snooze he would be fresh to 'start the clock' and turn yet again to the third volume of securitisation documents supporting the failed loan upon which his advice had been urgently beseeched by the litigation partner from his Li-Lo at Palm Beach.

Settling back in his chair he closed his eyes, and adjusted the battered Panama so that it protected him from the westering sun.

Some thistle-down came on what little air there was, and pitched on his hairline, more white than itself. He did not know; but his breathing stirred it, caught there. A ray of sunlight struck through and lodged on his flip-flops. A bumble-bee alighted and strolled on the crown of his Panama hat. And the delicious surge of slumber reached the brain beneath that hat, and the head swayed forward and rested on his breast. Summer—summer! So went the hum.

He dreamt. He was in the Court of Appeal on a summons Monday seeking leave to appeal on behalf of a strata-title owner who had been refused permission by the body corporate to keep a house-trained Komodo dragon in the building (incautiously purchased while in Java and smuggled home in his golf buggy) – the application wasn't going well because for some reason he was wearing only a sarong, and to annoy

the Bench he was addressing it in broken Bahasa Indonesian.

The surf club clock struck the quarter past. The aged spoodle at his feet stretched and looked up at his master. A suspicious snore escaped him – the cicadas increased their rhythmic drone and seemed to say: summer—summer—summer! The soundless footsteps on the grass?

A seductive (but minatory?) voice awoke him with a jolt!

'Jack, get up! You're snoring again! You need to set the table – and you have left a lot of sand in the dining room – and please use the proper serviettes, not the two-ply from Aldi!' No time now for a second dip before 'assisting' the second Mrs Bullfry in the kitchen.

The papers could await him a while yet. But he must get the amendment on promptly or he risked being *Aon*-ed under the new dispensation. **BN**