

Bullfry und der Sonnenuntergang?

It had been far too long since Bullfry could announce grandiloquently to a bemused tribunal, 'I appear for the money!'

Slowly, slowly, his practice had dwindled away until it consisted almost entirely of pro bono appearances for older, betimes moderately inebriated drivers before the local Magistrate.

A denuded Phillip Street had lost its savour – the old haunts were all shut. Despite the adjurations of the most senior jurists, many counsel still enjoyed the convenience of appearing 'remotely' and organising their professional and domestic lives accordingly. What ultimate effect this might have on the future success of a junior's burgeoning practice was anyone's guess – but lack of contact and 'cultural' training by constant mingling with peers and seniors was surely not a good thing.

But why, then, did he, Jack Bully (KC?) continue? Fear of the unknown kept many of the ageing cohort around him tied to the stake and staying the course, although others joyfully were plunging headlong into relevance deprivation – just the other month a veteran protagonist had embraced Bullfry with unwonted vigour in Queen's Square as the financial year ground to its close. Smiling broadly, his companion had said: 'That's it, Jack! I am not renewing – I have had enough. *What a relief to give it all away!*'

Any financial impetus had long disappeared. School fees, overseas sojourns, ex-wives – all things of the past – as a favourite writer had once observed, financial happiness is simply being able to put on a clean shirt each day, and buy someone flowers on a Friday.

What is the best that one can expect before the final Callover? *La farniente? Otium cum dignitate? Or le penible fardeau de n'avoir rien à faire?* This last fear could not be surmounted entirely by walking with the dog, or lurching with a boon companion.

Consider, too, the potential domestic consequences. Look how many a 'mature' relationship had foundered when its younger member confronted the sobering reality of a corpulent, rubicund figure sitting all day on the sofa (having 'down-sized' [sic] from a large house in Woollahra to a flat in Kirribili)

while attempting a cryptic crossword, or replaying his favourite video hits from the mid-Sixties on You Tube? 'Pan's people' dancing to T-Rex on TOTP could only fill up so much of any day.

Yet, Bullfry still enjoyed scanning the judgments available daily online in an endless flow. That was, no doubt, a large part of the problem of giving it all up. How to make quiet that trained 'reflex to facts' which is the essence of practice at the Bar, as Lord Reid had put it once? It is impossible to turn such a trained reflex 'off' once acquired, and the strenuous exercise of it is a perennial delight. Add to that the mutual pleasure of being part of a team of fellow-travellers engaged in the same endeavour and the problem of departing from it forever is obvious.

(Bullfry throughout his career had been a team player. It had long been noted at the Bar, that while Jack Bullfry was a glib man, and an unscrupulous, and a ready, and a bold, he did not possess that faculty of extracting the essence from a heap of statements, which is among the most striking and necessary of the advocate's accomplishments. So it was, like Marshall Hall KC, that he frequently leant heavily on the support of his juniors).

What is the distinguishing *intellectual* attraction of a busy practice at the Sydney Bar? Serjeant Talfourd had summed up the unalloyed intellectual pleasures of a busy barrister's practice long, long ago:

'The retained advocate penetrates the maze of precedents and authorities to search after the leading principles of his subject, and traces its application in the succession of decisions with strenuous care. *Dry, hard and uninteresting as the labour seems, it soon generates its own fervour, and becomes its own reward.* The faculties which would else be relaxed and dissipated among various exciting pursuits are braced and strengthened by the silent toil; *the very remoteness of the subjects from the ordinary aspects of business imparts a certain elevation and refinements of study which masters them;* while the habit of continuous exertion, frequently piercing through the accumulated illustrations and distinctions of ages to the same ancient principles of law, though in different



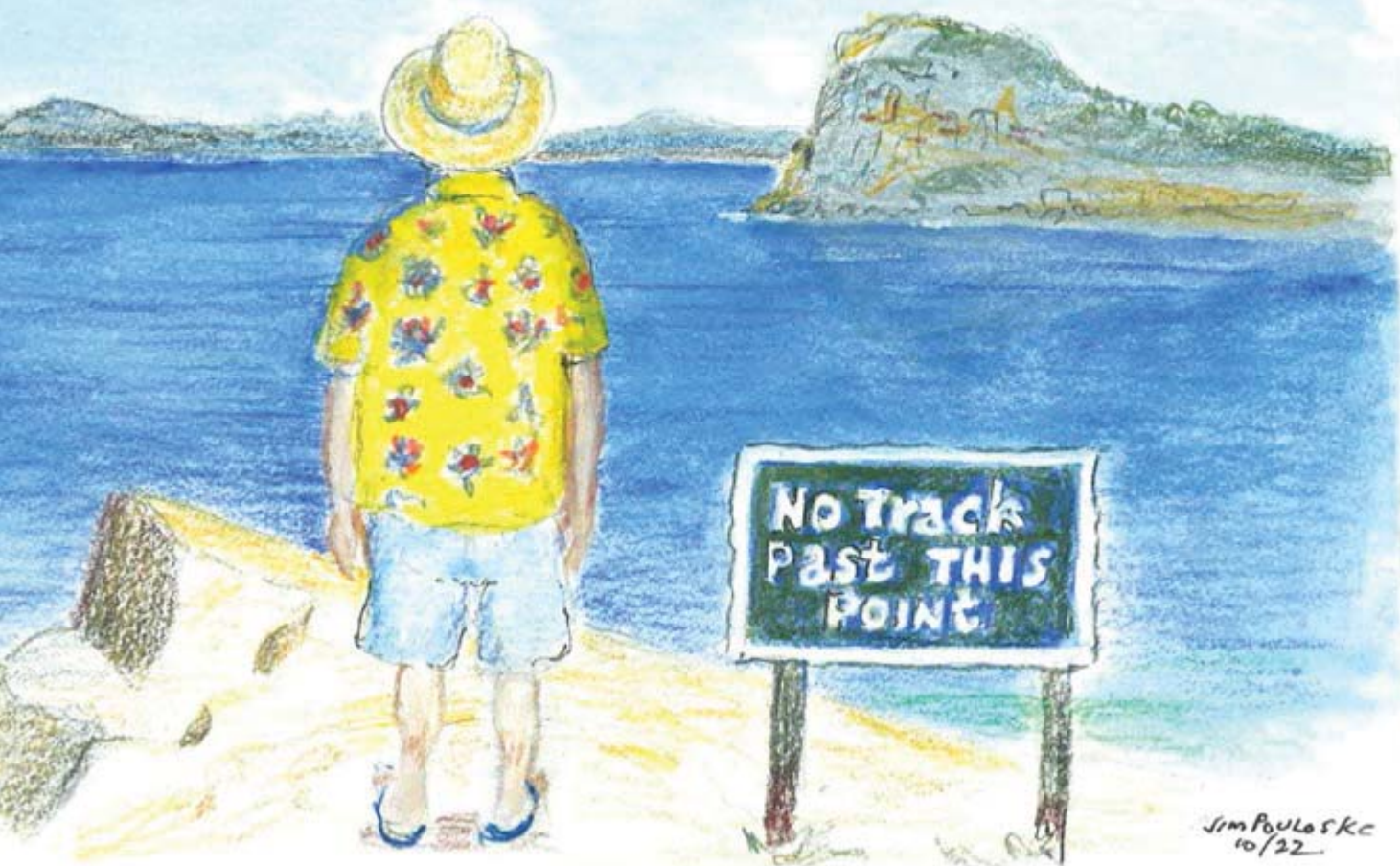
directions, *invests life itself with the consistency which belongs to singleness of purpose and aim*'.

That last sentence says it all – 'the singleness of purpose and aim! So it is that nagging at any legal problem, great or small, brings with it intense intellectual stimulation.

The applicable law may involve multifarious precedents of doubtful value. If the question, for example, involved something as simple as whether a lesser tribunal had made a 'jurisdictional error', the disquisitions of the Supreme Tribunal (themselves lacking any guiding ratio) would provide endless scope for analysis and self-doubt.

If the law seemed straightforward, the facts would be complicated – why had the director who signed the 'deed' in Osaka also witnessed it? What law governed its due and proper execution? Did the director understand English enough to make the affidavit when he was fluent only in Thai? How was it that a multitude of contradictory affidavits had already been filed before counsel's

Box Head and its inviting seascape and perhaps a Reichenbach moment



involvement? Why was the 'choice of law' clause suggesting an arbitration in Burma? What part would the famous observations in *Watson v Foxman* of McLelland CJ in Eq on the reliability of an ageing oral statement play, when deciding whether the vital conversation between the protagonists (clad only in towels in the sento) had actually taken place? Who was relevantly *Blatch v Archer*(ed) as they say in the classics?

How might his own *Boswell* (an aged Mrs Wiseman (nee Blatly)) writing in 2044) record his ultimate Fate? Perhaps something along the following lines with the working title:

Jack Bullfry QC – *Apologia pro sua vita* (fl. 1952 – 2041 (?))

'By the mid-20s it was time for an attempt at renewal – a 'sea-change' for an Oxford scholar poor who had knocked too long and unavailingly at preferment's door.

As he had long threatened to do, Bullfry opened an office in Woy Woy, with a view to

keeping himself thenceforth unspotted from the world – but evidently without success. Ms Blatly did not find what the trouble was, but she heard a few months later that he was by the seaside in Ettalong, practising as a licensed conveyancer, and later that he was in Pretty Beach, doing the same thing and simultaneously running the local Men's Shed.

By accident she heard more about his life there than anywhere: that he bicycled and body-surfed a lot, frequently joined in the karaoke at the local club, and was much admired by ladies of a certain age.

He had a big stack of papers on his untidy desk that were known to be an important treatise on the question of 'notional estate' under the Succession Act, always in the process of completion. He was considered to have fine manners and once made a good speech at a public meeting on the subject of set-off and insolvency; but he became entangled with an older woman whom he met in the grocery store near the ferry stop, and he was also involved in a lawsuit about some 88K easement question;

so he left Pretty Beach where he had often visited the precipitous cliff at Box Head, and its inviting seascape below, contemplating, perhaps, a Reichenbach moment.

After that he didn't ask for the children or any ex-wife to be sent to visit and didn't answer when Ms Blatly wrote asking him if he needed money. In the last email she had from him he told her that he was practising law mainly pro bono in Patonga, and she got the impression that he had settled down with someone to keep house for him. She looked up Patonga on Google Maps and found it faced the Hawkesbury estuary and was considered a pleasant place.

Perhaps, so she liked to think, his career was biding its time again like Grant's in Galena; his latest note was post-marked from Avoca Beach, which is some distance from Umina; in any case he is almost certainly in that section of the conurbation, in one seaside suburb or another, not expecting immortality, nor any patent from oblivion.'

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