



Summer PLAYLIST

A summer
playlist for
barristers



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Here comes our deferred southern hemisphere ‘brat summer’. It may not be espresso flavoured lime green for us, but *Bar News* is nevertheless here to help you through the summer vacation with ‘beats’, ‘tunes’, ‘sounds’, ‘bangers’ and other synonyms none of us would ever actually use in a social setting.

Songs to listen to when ...

... you’re questioning your career choices

Late January: the Australia Day culture wars have cranked up, you are contemplating that February disaster that only a month ago was ‘a year away’ and you haven’t been paid since early December because solicitors’ Accounts Payable are the only people having a longer summer break than you. Does your mood say, time to leave the law? Consider something from these notable legal quitters. Oscar Hammerstein got a degree from Columbia Law School before going on to become a Tony award-winning lyricist for *Show Boat*, *South Pacific*, *The King and I* and *The Sound of Music*. Paul Simon dropped out of law school only to write ‘The Sound of Silence’, a song about running unmeritorious Court of Appeal matters on spec. Likewise, quasi-quitter Pyotr Ilyich Tchaikovsky got as far as clerking for the Russian Ministry of Justice before composing the *1812 Overture*, manifesting every advocate’s fantasy of scribbling in the margin of a draft: ‘add cannons’.

... you’re still questioning your career choices and come to the delusional conclusion you will simply become a judge

Who says you can’t be musical and frightening at the same time? The Bench likes music too. Former Supreme Court judge George Palmer is not only a well-respected former jurist, but also a renowned composer. Turn the dial from

ABC Grandstand to ABC Classic to hear *The Beancounter* or *Incandescence* while stewing about the lack of action from Accounts Payable. Alternatively, if you are curious about what constituted ‘Netflix and chill’ before streaming services, head to Spotify or Blue Shamrock Music to hear the Chief Judge in Equity’s original song, ‘Sixteen at the movies’. Take a road trip to Tamworth in late January and you might even experience his Honour live at the country music festival.

... it’s early January and you’re in chambers alone

You’re there either because you got quoted seven figures to paint your 14-square metre room so went to Bunnings yourself or because you enjoy the smell of offices with the air-conditioning turned off (or paint fumes). Either way, you’ll be looking for something that combines electronic hip-hop with the extra- and not so extra-judicial writings of Lord Diplock and Sir Owen Dixon. Describing themselves as combining crunk style dancehall beats, legal positivism and lyrics made up solely of ratio decidendi, you won’t be held to the *Briginshaw* standard when you BitTorrent Bullstrode Whitelocke and the Vexatious Litigants’ ‘Rap as both a sword and a shield’ or ‘Vexatious litigation: Better shout out ‘cos I’m the lawyer your mum warned you about’. Indeed. As you review a brief that appears to have been collated by a paralegal who dropped acid, perhaps it is time for a bit of Laurel-Canyon-psychoactive-empaths Crosby, Stills and Nash, the paradigm against which all hipster law firms are now measured both in name and hirsute style.

... adverse costs aren’t agreed, and so are ‘to be assessed’

Maybe Accounts Payable *is* back at work? Maybe the solicitors think they can get away with not paying you until they’ve recovered from the loser’s side. Time for some ABBA: ‘The winner takes it all’. Although commonly perceived as a plaintive lament about the end of a romantic relationship and its emotional aftermath, the keen-eared will have detected the unambiguous references to the costs assessment process and that therefore, the winner does not take it all, but at most 65% to 75% on the ordinary basis.

I don’t want to talk
About the things we’ve gone through
Though it’s hurting me
Now it’s history

– a clear reference to the undesirability of re-hashing the forensic choices made in the substantive hearing.

The winner takes it all

The loser’s standing small

– arguably, no one has better captured the raw emotional reality of costs assessment. This undoubtedly contributed to the song cracking the Top 10 in Australia in those heady, shoulder-padded days of taxation of costs pursuant to *Legal Practitioners Act 1898* (NSW) pt V.

The judges will decide

The likes of me abide

– an admirable summation of the finality of costs assessment, and of the operation of the rule of law in general. The minor slip of referring to ‘judges’ rather than ‘costs assessors’ (or, in 1980, ‘taxation officers’) can be chalked up to the difficulties of scansion caused by the latter.

This song also benefits from having been cited with approval by superior populo-legal authority *Better Call Saul* (season 4, episode 10, joint karaoke session/judgment of C McGill and J McGill).

... and you’re back – but it’s still January

There are only three people in chambers (the rest went straight from the SCG members’ stand to Hokkaido to ski). The lack of human contact and the paint fumes are starting to make you go stir crazy and there are only so many Rowley Birkin QC YouTube rabbit holes you can go down. You finally turn to paying work in the evening and sink into a Dulux-induced pun fugue state – up late burning the Midnight Oil and thinking there is ‘No time for games’. Yet, you’re feeling the ‘Power and the passion’ just like ‘Hercules’. At this point, you might like to ‘Read about it’ in your brief. You know you’re famed for your ‘Short memory’ and you don’t want yet another hearing akin to a ‘Gunbarrel Highway’. And before you know it, a few Beatles scuttle ‘From a window’ above your desk. And you think to yourself, ‘Here comes the sun’, it’s going to be a ‘Long and winding road’, but at that point, it is best to just ‘Let it be’ and be grateful that it is not ‘Eight days a week’. Gee, it’s been ‘A hard day’s night’ and ‘I’m so tired’. Well here goes: may it please the Court, ‘I am the walrus’.

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