

Archon's view - An anonymous view from the Bench

List day in the Local Court is the best show in town. The bar table is full, the dock is full, standing room only. The magistrate enters. Lights. AVL. Action!

With 100 matters in the court list, the officers are scurrying, the hubbub is increasing, and the lawyers are circling.

The magistrate peers around the tower of papers.

Who has been cast in the role of Advocate today? Counsel rises confidently with a wide smile and jazz hands. Instantly the magistrate recognises the lawyer from *Chicago the Musical*. Billy Flynn argues 'Margery Jane Osborne is at the crossroads of her life. She is a mother, a daughter, a sister, swept up in a mad, mad world. She didn't choose to punch the victim. The victim fell onto her fist.'

Three lifetimes later it is the turn of Junior Barrister, who was lucky enough, or unlucky enough, to be flicked a brief five minutes before court. After frantically reading the papers, and unable to find their client from the cast of thousands in court, Junior Barrister starts strongly and with great courage, and ends by relying on one of the most famous submissions of all 'In summing up, it's the constitution, it's Mabo, it's justice, it's



law, it's the vibe and aah no that's it, it's the vibe. I rest my case.'

At least it was short.

Later, Marlon Brando shuffles to his feet. Or is it Sylvester Stallone? The lips are barely moving and every now and then counsel actually faces the front. 'Defendant with friends ... police.' Was that word 'Monocle' or 'Maniacal' or 'Module'. The magistrate has used up the allowable number of 'Beg your pardons' and 'Can you please speak up'. Counsel sits down, still in character.

And then drum roll..... the next counsel is clearly a favourite with the wardrobe depart-



ment. With a lack of black barristers' robes worn in the Local Court, the costumiers can be creative. In this case the word resplendent comes to mind. There are not many opportunities in life where resplendent is the word of choice. The court freezes as if in *The Matrix*. They listen. Then unfreeze. Counsel sweeps from the court.

The court papers are reducing. Then, reminiscent of *Gone With The Wind*, the epic submission begins. 'My client was born in a small country town ... At age five she... By the time she was... May I take you to page 54 of the second folder of material which I handed up..'

If only there was an Oscar Night button for the magistrate to press, which causes an orchestra to start playing and then the sheriffs to gently remove the speaker to stage left.

Next.

Matter number 68 has the advocate trained in the 'I trust I make myself obscure' acting school where the magistrate hears words, knows what the words mean individually, but once said has no idea what the submission actually is. There is a long, dramatic pause followed by counsel saying rhetorically 'If I can be of any further assistance' before sitting down. The magistrate flicks the court papers, nods at the Statement of Facts, outwardly serene, internally wondering if someone rewrote the script and decided it would be a foreign language film.

Counsel from the Ralph Waldo Emerson casting agency is next. Guided by the maxim

The good lawyer is not the man who has an eye to every side and angle of contingency, and qualifies all his qualifications, but who throws himself on your part so heartily, that he can get you out of a scrape.

Counsel submits 'Your Honour, think of

his children, his job, his career, his life. My client's life will be irrevocably changed if this parking ticket stands.'

A few minutes before interval (known to some as lunch, or as magistrates call it 'reading time') John Wayne saunters up to the bar table. The court staff are drooping. The magistrate's blood sugar level is dangerously low and yet there is no urgency felt by Mr Wayne as he speaks sssllloowwly. A pause for dramatic effect. A tumbleweed rolls through the court. One wonders whether film budgets all blew out when John Wayne was cast. They certainly do at court.

As the sun sets but before the final credits roll, Atticus Finch rises. He does not give his



'all men are created equal speech', this is after all the Local Court and there is no jury. He speaks so that 'With his infinite capacity for calming turbulent seas, he could make a rape case as dry as a sermon.'

There is no *Hamlet* bloodbath. No *Blues Brothers* car chase. No denouement. Counsel's submission is almost anticlimactic after a day of high drama and big production numbers.

And yet the submission is succinct, helpful and calm. It is a perfect Oscar moment for this court where the hoi polloi and the flotsam and jetsam of life, face their own tragedy and comedy, and their relief or despair.

It seems fitting that at the end of this last matter for the day, the prosecutor, the lawyer and the magistrate bow. Exeunt.

Archon's View is a new column. It provides an opportunity for a current judicial officer to provide an anonymous view of the Bar.