

Criminal Lawyers Association NT

by Jon Tippett, President

WORDS

The word. The sword and shield of the lawyer. Jonathon Swift described lawyers as:

"A society of men bred up from their youth in the art of proving by words multiplied for the purpose that white is black and black is white according as they are paid".

He was right of course but I am sure he would have conceded that there are practical limitations.

The following exchange that took place in an English Court arising out of an argument in statutory construction bears Swift out:

HIS LORDSHIP: Is one to abandon every vestige of commonsense in approaching this matter:

COUNSEL: Yes, My Lord.

There will be a lot of words spoken in this new year. There will be bad words like, "I intend to monster and stomp on drunks." There will be good words like "Not guilty your Honour". But most of the words will mean nothing at all. They will fill the vacuum between drinks and bring on the fading of the light.

The most horrible thing is that the innocent word in our profession is often taken hostage and placed on transcript. Some passages of transcript that contain words that I have kidnapped and that describe the dialectic between judge and counsel read like a discussion between inmates at a psychiatric hospital. As I read them with aching embarrassment in an effort to discover what on earth I was talking about I am often heartened by the sagacious judicial replies. At least the judge knows what I am saying. Either that or the judge hasn't got a clue what he or she is talking about. While each may be equally open, in the interests of cowardly survival I prefer the first conclusion.

The English language has a lot of beautiful words to choose from to facilitate the expression of our ideas. Unfortunately it is often abused. To avoid such abuse our politicians should be required to present most of their ideas about reforming our legal system in grunts. In that way the quality of the idea is given its best level of expression.

In the legal profession the word is in its most dangerous transformation during cross-examination. There it waits in its hiding place until it rushes forth to give the advocate a

thorough hiding. It is the Bruce Lee of words. The most alarming words to be heard by an advocate are self spoken. They are the words that travel to the jury like a set of fresh sheets and a soft down pillow. Gently they put the jury to sleep. It then becomes very hard to compete with Peter Pan and Captain Hook.

Sometimes the word can be majestic. It speaks of our soul or of the better things we can do. Pablo Neruda celebrated the word for its ability to do such things. He wrote:

I drink to the word, raising
a word or a shining cup,
in it I drink
the pure wine of language;
or inexhaustible water,
maternal source of words,
and cup and water and wine
give rise to my song
because the verb is the source
and vivid life - it is the blood,
Blood which expresses its substance
and so implied its own unwinding -
words give quality to glass,
blood to blood,
and life to life itself.

So, with what words should we commence this new legal year? The prayers of priests? The speeches of lawyers? Conversation amidst the debris of empty wine bottles? Perhaps. For me, I hope it is the words of Martin Luther King. He said:

"Justice is indivisible. An injustice anywhere is a threat to justice everywhere".

Let our profession join him in that belief.

THE BALI CONFERENCE

The theme for the conference this year is "A Just New Century, or Just A New Century?" Surely those words must engender in some of you a desire to put together a paper that would be of interest to us all. If so, send me a short precis of the topic upon which you intend to speak and if you are early enough your name will appear on the program with the likes of Justice Michael Kirby AC CMG and the Honourable Sir Anthony Mason AC KBE. Each of those giants of the law has agreed to address the conference as keynote speaker. Other distinguished speakers who have yet to confirm that they will speak include the Honourable Justice Brian Martin AO MBE and the Honourable Justice Dean Mildren. We hope that a complete program will be available by the end of February.



Jon Tippett with his "pride and joy"

Both the Chief Justice and the Chief Magistrate have agreed that the week of the conference will be, where practicable, kept free of listed criminal trials and hearings. That can only be achieved if the overall work of the courts is not interfered with and there is no disadvantage to people appearing before those courts. The responsibility is therefore upon practitioners coming to Bali to so arrange the scheduling of their criminal work as to avoid setting down trials during the period of the conference.

During my recent trip "down south" to commune with kith and kin I was astounded by the level of interest in the conference and the dispirit quarters from which it came. Recent telephone calls from Western Australia confirm that word of the conference has got around although the advertising has been sparse.

To secure your attendance in Bali you should contact Ms Lyn Wild at Convention Catalysts International, GPO Box 2541, Darwin, telephone (08) 8981 1875, facsimile (08) 8941 1639 or Email:

convention.catalysts@norgate.com.au.

In order to contact Lyn Wild directly for the months of January and February telephone (03) 9723 3173 or facsimile (03) 9723 5397. Take the time to make that contact now before the frenetic activity of the new legal year puts it out of your mind.