


Fly on the Wall

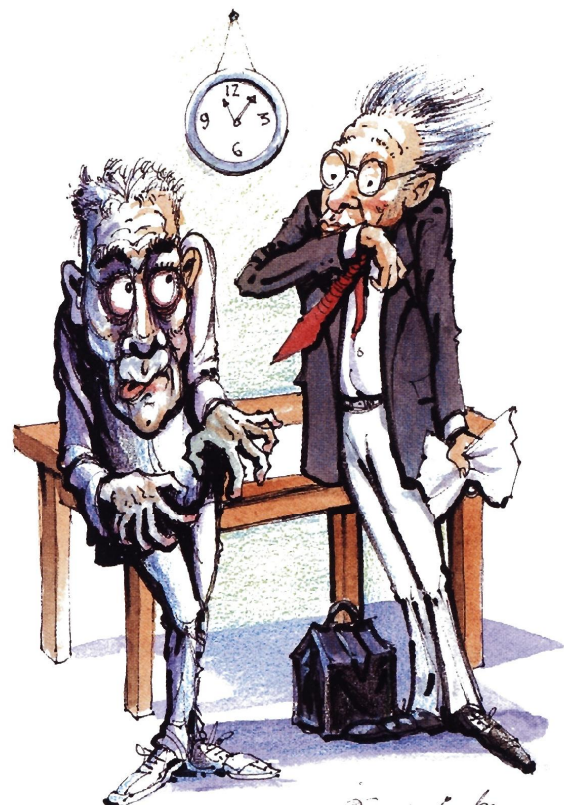
Fly does not like being lied to. Yet he is a lawyer. One might ask how he manages to like that. Fly is not sure. It's definitely not the lying. But perhaps Fly is too suspicious of his fellow man. To be fair, he's never seen an affidavit 'being signed.' Perhaps they use very special ink when they do it. Whatever it is, it makes the signing process take days. Fly has often been told on a Monday that the affidavit was 'being signed', only to be told that this delicate process was still in progress on the Thursday. Discovery affidavits in particular seem to require immense effort to be completely signed. They remain in the process of 'being signed' for weeks on end. Heads of argument, of the sort comprising three pages that one is supposed to exchange approximately at the time when lodging them in court, have a habit of taking twenty-four hours to be 'just quickly re-typed by my secretary, necessary because of the Tipp-ex on my only copy'. The other sort, the 'long' ones that rear their often ugly heads somewhere during the course of proceedings, spend many joyful years 'in the process of being typed up, my lord', when it is not clear if the matter will stand down or be argued. Fly wonders why 'we are going to take every opportunity we can to avoid going to court' should become 'we will do our utmost to accommodate you, but we just need to take instructions on the drastic removal of the comma from page ninety-seven of your particulars of claim, and we may need to consider the prejudice that flows from it as a result'. Why should 'Wow, why didn't I think of that; thanks for the killer point, my lord' become 'Yes, my lord, that was indeed my next submission'? Why not say 'look, don't expect me to help you prepare to counter my arguments, just do your work and let me do mine' instead of 'this prescription issue doesn't really appear to me to be the main thing, does it' as a precursor to an argument dealing with little else?

Fly can forgive his opponents. As a matter of fact, the level of lying encountered in the thick of things is remarkably low. Nothing like the level desired and demanded by many clients. Long and painful consultations are those where 'how about if we say' is the introduction to the answer to a simple question, relating to facts, from Fly or the attorney. 'But I need to know what happened; that's what you must say.' 'But is it good or bad if it happened like this?' 'Well, how did it happen?' 'What would be the consequence if we signed on the 20th?' 'That would mean we win.' 'Okay, I now remember very well, we signed on the 20th' 'Great, I think we should settle, and I should start selling second-hand cars.' Which often compels Fly to start the diplomatic mendacity himself: 'You see, the possibility is that a judge may, if inclined to see things in a certain light (i.e. if disadvantaged by such baggage as schooling and/or experience in life), think that the version just offered was reasonably capable of being regarded as contrary to his vision of the world, and we may suffer as a result.' More frank would be, in such cases, 'if you lie to the judge as you are lying to me now, and I try to argue that what you say is true, you will lose buckets-full and I will look like an idiot'.

And then, of course, there are the lunatics. Nowhere in the Bar

Council Fee Parameters is there a special item for either dealing with, representing, passionately embracing the cause of, or simply spending time listening to, the lunatics. There ought to be. Pupillage should include courses on 'the lying bastard that is your client' and 'representing the lunatic – twelve steps to avoid joining the club'. The lunatic is always emphatic. He has always written many, many extremely useful pages of summaries of all the issues, encompassing all the reasons why those on the other side ought to be dealt with brutally. He writes these in what a professor of theology at Oxford (very familiar with lunatics) used to call 'spidery green ink'. If using a word-processor, he likes emphasis – italics, capitals and exclamation marks featuring prominently. He is never unable to explain anything. His earnest explanations at consultations lead to the smug 'now it's your turn, buddy' smile on the part of Fly's attorney, who would appear to have heard variations on the theme before. Consultations with the lunatic tend to last for a minimum of ten hours. Much is achieved in these consultations. Someone (seldom the lunatic) pays for them. Fly tends to be caught in a catch-22. He represents the lunatic. But he must stop him. He must also avoid being killed or maimed for trying to do so. If possible, Fly prefers being amused to suicide. The difficulty is that the lunatic is never amused. He is always very serious. Fly has no idea how one ought to deal with the lunatic. All he knows is that there are many of them. And that they generate fees. Obscenely.

The lunatics have a saving grace. They do not lie. They have no idea how to. What they say and what any sane person would regard as the truth (allowing for differences between, say, cognitivists and correspondent theorists) bear no relation, but lying is foreign to them. Fly says bless *them*. On his deathbed, Fly will smile at them, not at the liars. 



J. Walatjube
'... always emphatic ...'