

## Fly on the wall

Fly and his learned junior, Singellus Maltus, had occasion, one morning 'twixt two and dawn, to consider the categories of Learned Friend they had the rare pleasure, frequent duty and general privilege, in a manner of speaking, of encountering in rooms that were often too hot or too cold and in any event seldom hospitable.

'There's Unctuous the Slitherslug', said Maltus, nodding slowly:

'My Lord,' he would say, three or four times, bowing in a strange, worm-ish rhythm and speaking as if in some pain, 'if your Lordship would do us the honour, my Lord, indeed, your Lordship well understands, in your Lordship's stupendous and never-to-be-fully-fathomed depths of erudition, compassion, mercy and greatness, with the greatest of respect, my Lord, if only to bear with us, my Lord, the burden we deign with trepidation to pray your Lordship tolerate, to turn to page 20 of those papers that are not worthy of the hands of God your Lordship is possessed of...'

Unctuous tends to display, along with genuine surprise, true alarm and pain when his Lordship starts responding in barks, which is the chosen method of one who has been the object of one too many bow and one scrape too low.

'Yes, and let's not forget Spike the Pitbull':

'My Lord!!! Your Lordship will not tolerate for a single second the despicable conduct of those who have the temerity to appear here today, before your Lordship, bereft of any shame and able to quit themselves of such unspeakable fraud and dishonesty in the utmost bad faith that an order of costs on the attorney and own client scale against counsel and attorney *de bonis propriis* along with an appropriate conviction for contempt summarily imposed would not even begin to address these vile vermin in a manner fit to cater for their impudence.'

Normally, for reasons best known to those who don the garb of Spike, their bile tends to be inversely proportional to the gravity of the issues at stake, and the sharpness of their contempt to be commensurate with the degree of charm they display in contexts where black robes and lace panties are not *de rigueur*.

Spike does, of course, have his antithesis. 'Allow me to introduce,' Maltus waved, 'Whybother the Fodder':

'My Lady, this is a review application to set aside the decision of the first respondent, the Board...'

'Mr Fodder, was the Board not statutorily empowered to exercise the discretion you attack? Where exactly did they go wrong?'

'O... er... yes, quite, my Lady. Quite. I ... er, I cannot take the submission any further. Those are my instructions, my Lady. Those are our submissions. We pray for an order my Lady.'

'But the Board appears to have done everything it should have done? What should it have done differently?'

'Er... yes, indeed, er... my Lady. As I submit, er... we cannot really take it any further my Lady. What? Oh... yes, I am reminded my Lady, by my instructing attorney (*no, shoosh, shuttup, shuttup*) that we do indeed still persist with all our submissions, my Lady, as set out in our heads.'

'And then there's VeryBusyVeryWell knownBeenHereTooLong. He sometimes gets caught, and sometimes gets away:

'My Lord, this is a matter... as set out in the affidavits...my Lord? Yes, of course, pleadings, my Lord, pleadings; it's all in the pleadings; what's that? The admission? Yes, well, my Lord, the issues are all as set out in the affi.. er, the pleadings, my Lord, and, well, your Lordship knows that it's a simple matter... the admission, my Lord? Er, emmm, my learned junior my Lord, the pleadings my Lord, the admission, or well, is it an admission, my Lord? Before that is considered in greater depth, my Lord, it would be well to turn to those very affi... er.. pleadings, my Lord, to read them carefully, since this issue is vital, as your Lordship has

rightly noted, with respect, so here it is, my Lord: "the Plaintiff is...".

'What about HatterLeftFieldHailMary? Good for some fun at least, although often shakes the foundations somewhat':

'My learned friend submits that an offer made with an intention to create a binding contract and accepted with the same intention does indeed give rise to a contract. Well, my learned friend is caught up in the throes of what the late Chief Justice Mahomed called the "stultifying chains of tabulated formulism" or some such, and has ignored completely the fact that this Court is enjoined by our Constitution to apply substantive justice and to cast away the strictures of apartheid in determining issues before it with fresh eyes animated with the soul of that precious document forged with the blood of our people. The time has come for activism and to reject the colonial residue inherent in the dogmatic slavery my learned friend asks this Court to remain victim to. After all, my Lord, the defendant has money; the plaintiff has none. The plaintiff asks merely that this Court consider his right to money in developing the common law in accordance with the spirit, purport and object of the Bill of Rights that it is the duty of this Court to do. Do not let my learned friend for the defendant beguile this Court with his stale chants of days gone by, and his pathetic invocation of all those Appellate Division decisions. The Constitution is the only law, my Lord, and the Constitution decrees that the plaintiff, the one who deserves it, my Lord, should succeed today.'

'Are we not fortunate, Singellus old chap, that we have such foils to keep us amused, that our perfect sense of balance, our poise, our precision of preparation and scope of learning, our sense of tone and timing, that all of this should be ours, and we should be daily entertained by the antics of our learned friends Slitherslug, Spike, Fodder, Toolong and Hatter?'

'Oh, yes. And so say we all, my dear friend; so say we all.' 