

## Fly on the wall

Fly was in motion court. Many others were too. Some were agitated. Some were rolling their eyes. Some were amused. All were listening to the Applicant In Person. He was explaining why he ought to be granted access to a minor child. It had something to do with 'apartheid psychiatrists'. It seemed that his lordship had a difficulty of a procedural nature to overcome before he could explore the merits of the point about the effects of apartheid on the psychiatric evidence. The respondents had not been served with the application. His lordship indicated that he needed to be satisfied that service had been effected.

The Applicant In Person appeared to have anticipated the point, since he moved over to explaining how apartheid had rendered the rules relating to proper service brutally discriminatory. Fly found this bit difficult to follow it – entailed insidious assumptions revealed by the phrase “a female person apparently over the age of sixteen years.” Perhaps his lordship also failed to grasp the subtlety of the point, as he insisted on being satisfied that service had been effected.

This appeared to be an indication to the Applicant In Person that the time had come to put forward some radical submissions. Fly started thinking (always bearing in mind, in fairness, that he was not apprised of the facts) that the apartheid psychiatrists might have been on to something. One never knows, and can never presume the outcome of an application, but, when the Applicant In Person started his peroration on the benefits of Orgasmic Love, Fly thought the safer money was on access being denied.

Fly was heartened by the extraordinary patience displayed by his lordship. Perhaps Fly could in his own application advance some of those more ambitious submissions that he (with his learned friend Single Malt) had worked out the night before

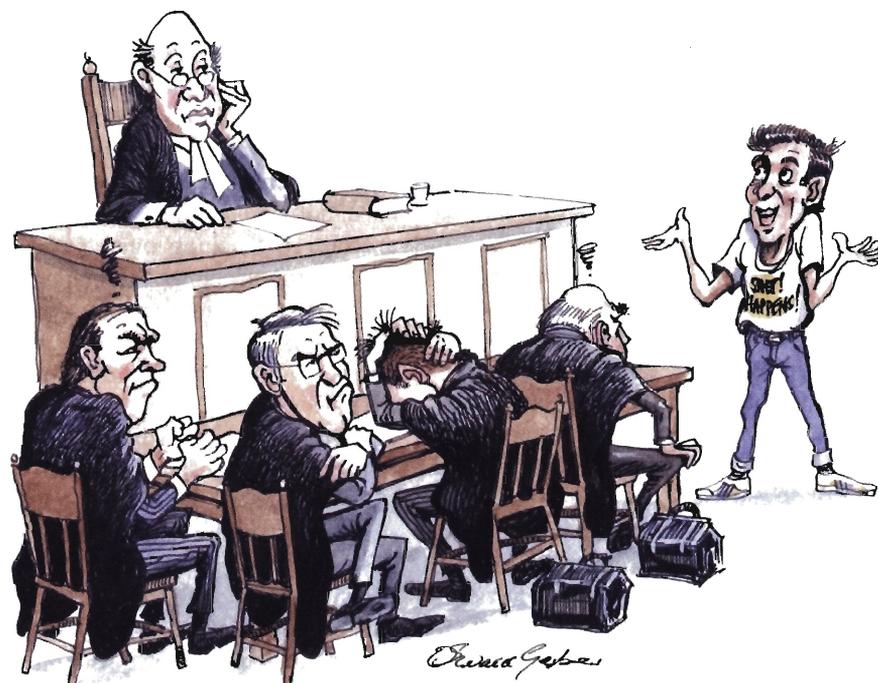
but had thought the better of in the embarrassingly clear light of day. Fly's colleagues in court, on the whole, appeared not to regard the application in progress as something to be welcomed. They must have been briefed with cases that did not require augmentation with the benefits of benign comparison. Be that as it might, time rolled on, and the Applicant In Person eventually left the stage stunned with disbelief at not having convinced his lordship of the justice of his cause.

This was not the first time Fly had seen remarkable patience from the bench in dealing with the Litigant In Person. Fly had once seen an LIP known for his liking of the courts avoid answering a direct question relating to urgency for the best part of an hour and a half, and it did not

even end in shouts from the bench. On that occasion, the robed onlookers in urgent court were a hostile crowd indeed.

There are those reported cases of contempt of court that end in appellate rebukes of the trial judge for 'harshness', when a reading of the case tends to suggest to the likes of Fly that it was surprising that the judge was not rebuked for murder.

How best to deal with the LIP is not something Fly can pretend to know. Important matters are at stake about which only the high court can decide, and it is vital that the LIP be heard. There's something in not allowing properly presented cases to be prejudiced by loose bulls in china shops, but there's also something fundamentally wrong with seeking to compel everybody to have others speak for them even if they do not want it. Whatever the proper balance may be, Fly thinks the LIP seems to get his fair share in our courts, and sometimes, at least, he adds a fresh sparkle of the bizarre to an otherwise unremarkable day in court. 



“... a hostile crowd indeed.”