

Fly on the Wall



'Dad, where are you going today?'

'To court, my boy.'

'Is that the same as chambers?'

'Sort of, only a little more exciting.'

'Are you going to do work there?'

'Some will say so, my boy. Others not.'

'What are you going to do in court?'

'Argue an application for leave to appeal.'

'What's that?'

'I have to try to make the judge agree that he may have been wrong when he decided the case.'

'Why would he think he was wrong?'

'Good question. He may think someone else may think he was wrong and give me another chance.'

'Like when I break something and you say you know it wasn't on purpose and you won't be cross?'

'Yes, a little like that. Only he is not as nice as I am. And I have to be very, very nice to him.'

'Doesn't the judge know he may have been wrong? Didn't you say we can all be wrong sometimes?'

'The problem is the judge may think it wasn't that time.'

'Was he wrong?'

'I don't know. I will argue that he was.'

'Are you going to lie then?'

'Not really. I need to argue for the case of my client, who lost his case.'

'Why do you have to argue? Don't you say we mustn't argue?'

'No, you must not argue when I tell you to do things. I must argue in court, because it helps the judge decide the case properly when people argue before him.'

'So he doesn't get cross when you argue?'

'He does sometimes, but not because I'm

arguing.'

'But what if you are wrong? Don't you then help him go wrong?'

'No, because if I don't argue the wrong case properly, he may not know all the reasons why he must decide the case properly.'

'Is he not very clever then?'

'I'm not sure about that one, my boy. But it helps to make an important decision when other people try hard to tell you all the best things you can say for and against each choice - then you know that you are right. Like when you want to know whether you should play Ninja Turtles or rugby kicks, and you think about what is good about Ninja Turtles and what is good about rugby kicks, and you make a choice. It would help you if Mommy tried to think of all the best things about Ninja Turtles and I tried to think about all the best things about rugby kicks, and then we argued, Mommy for Ninja Turtles, and I for rugby kicks, and you listened to us and then decided what to do - we would be helping you make the right choice then, wouldn't we?'

'But you said he may have been wrong. Did you not argue properly before?'

'I ask myself that often, my boy. He could have been wrong anyway.'

'Why do you have to get him to agree he may have been wrong?'

'So we can get another chance in another court.'

'Why don't you just go there?'

'Because you can't unless the judge says you can, or, if he says no, if the other court thinks you can anyway.'

'But that's like getting me instead of my teacher to say if I did my homework right.'

'Yes, so it is. But sometimes, if you look at it honestly, you can tell if you did it right or not, can't you?'

'Yes, but I'm not sure I would say I did it wrong.'

'Ok, but if I trusted you to tell me honestly, you might just?'

'Yes, I suppose I would.'

'Well, that's how the courts work. They trust the judge to think about whether he was wrong and to think if other judges may think so.'

'Ok, but then why does the other court get to decide if he says he wasn't wrong?'

'Mmmmmmm. I think you're on to something there.'

'If he thinks he was wrong, why doesn't he just say sorry and fix it?'

'Because he's not allowed to. It's important for him to try only once and then for other judges to try again.'

'But you said court is expensive. Who pays for trying again?'

'The people who are fighting in court.'

'But why must the guy who is right pay for it?'

'Well the law tries to help him if he wins. The other guy has to pay him back the money he spent.'

'Why don't they just not fight to start with? Then nobody pays for the court?'

'That's very often the best thing. But they don't know that when they start fighting. Also, sometimes people have to fight to get something that is actually theirs, or to avoid losing lots of money. Then I have to help the court with their arguments.'

'But you always say we mustn't fight. And you help them to fight. I don't understand.'

'You're absolutely right. You must not fight. But the people in court are actually not fighting like when you hit your sister. They are going to court to get the judges to decide who is right rather than to fight. Like when you ask Mommy or me who can watch their DVD first, instead of hitting and screaming. So it's very important to go to ask the judges rather than to fight.'

'But the judges can get it wrong, like in your leaves of the peel.'

'Yes, so they can. And that is why I should get leave.'

'So the judge will say that he may have been wrong?'

'I think so. Unless, of course, he is wrong.'

'Dad?'

'Yes?'

'Can I watch my DVD first?'

'I don't know, my boy. Ask Mommy.'

