

Bullfry and the Sapphic Oration

By Lee Aitken

Bullfry Q.C., last heard in *Bar News* (Spring 2000), ponders the question of women at the bar.

'Monstrous regiments of women' intoned Bullfry softly to himself into his large whisky and water. He undid his Bar jacket and re-read with growing concern the 'Op-Ed' page of the tabloid. There, as reported, one of the most distinguished jurists in the country, giving the annual Sapphic Oration, had lamented the absence of women in the highest echelons of the Bar. 'Why is it so?', the jurist had wondered.

To Bullfry's enfeebled mind, the reasons were self evident. First, the biological constraints of maternity necessarily meant that an aspiring female junior may be perforce out of active practice for an extended period. And practice at the Bar is pre-eminently personal. Even in times of war, the notion that a brief might be held on behalf of an advocate on active service had worked with only mild success. How much less likely was it that a young female barrister would be able to presume upon the

largesse of her brethren and the courts - still less that of her sisters. (An earlier suggestion that a commission of some sort might be paid for a cross-referral by a nursing mother had not found favour). No one could be a part-time litigator, either at the Bar or in the largest law firms. (Indeed, Bullfry when giving the occasional guest lecture at the Law School always stressed to the female students in his audience the importance of asking at interview how many female litigation partners the firm had. The answer, after much wringing of hands, references to 'glass ceilings', and ill-concealed

hypocrisy, was usually 'two or three - but we intend to make a lot more at some time in the future'). The idea that young mothers at the Bar should be able to arrange court appearances to suit their child-care arrangements would never find favour with either clients or the judiciary.

Furthermore, success only came at the end of a long, long road. 'Who you are is what you are in'. If you wished to be retained in the largest cases with the most complex issues a severe psychological price had to be paid. Like acquiring a knowledge of women themselves (something in which Bullfry was still manifestly deficient), 'real success' at the Bar was likely to come at a time when it was too late to be of any use to you.

Bullfry thought fondly of Blenkinsop, the leading advocate of his generation. Up and down the country Blenkinsop roamed, leaving in his wake distraught tribunals and large empty 'slabs' of Victoria Bitter. Ready at a moment's notice to peruse overnight the fifteen volumes delivered by courier before boarding the flight to Melbourne; only two minutes (in terms of preparation) in advance of any court; able to 'wing it' with the fatal fluency and sure grasp of principle which made him an exemplum in younger eyes.

But ultimately - for what? No doubt to be recognised as the consummate forensic performer of his age by his peers was a worthy reward. But only for a moment; and only with the aim of producing an artefact of some sort, likely quickly to be diluted by the short passing of time. 'Who wants to know that a man for twenty nine days investigated the building of a lunatic asylum when a contractor wanted ten thousand pounds more than a county council was willing to pay?' No-one in the whole wide world; certainly not the second Mrs Blenkinsop who was

usually to be found refurbishing her tan at a Double Bay solarium.

And at the end, after all the tumult and the fighting, the two familiar and lacrimose questions - even for Blenkinsop - as those who were left scanned the 'Vale' notice - 'when's the funeral?' and 'who's getting his room?'

Blenkinsop was well into his fifties (the saurian head, the distal tremble of the fingers, the lived-in look); he had all that money could buy. What then drove him forward? Only his ego (which was large) and the happy contentment his ego enjoyed which comes from a throng of people clamouring for his expensive services on a daily basis.

Now what woman, Bullfry wondered rhetorically, would aspire to such an existence at the age of fifty seven? Who would forego the pleasures of living, for the uncertain delights of sitting, wet-towel on head, at eleven o'clock in the evening at the 'Sheraton-on-the-Canyon' while urgent instructions were received by facsimile from Pretoria about the next day's cross-examination of the creosote expert? Very, very few.

As well, Blenkinsop's success concealed a Darwinian process of selection. The dead were many. The Sapphic orator had failed to observe that out of the vast number of aspirants there were very few men who either coveted, or could achieve, a Blenkinsopian success. In each generation, a select few would by a constant process of winnowing achieve forensic glory so that they were demanded in every large matter in their particular area of expertise - appellate work, crime, massive liquidations and the like. By the wayside, forlorn and forgotten, lay the overwhelming number of aspirants who never enjoyed any eclat at all. (Speaking entirely for himself, Bullfry had at an early stage realised that he wanted that mental and emotional capacity to have any form of 'successful' practice. His ideal week involved modest case preparation on the Monday, a pleasant two day excursion before the duty judge, and the matter settling judiciously on Thursday morning - then followed an extended

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Friday luncheon with boon companions).

Moreover, any female barrister who began to achieve notoriety in a select jurisdiction would, inevitably, be offered a more or less senior judicial post to attempt to attain the gender equality of appointments considered so important in the post-modern world. Indeed, it could be safely predicted that within a year or two of achieving a silk gown, a female barrister would be plucked from obscurity to take her place on some court; indeed, for the high-flying female silk it was almost a question of 'name your post' when the Attorney called. It followed that there was no prospect of any senior woman barrister achieving a liver-function test result like that of Blenkinsop. (Bullfry had hoped to accept a post as 'mentor' to a young

female junior under the Bar's new-fangled 'Help a youngster' campaign but the second Mrs Bullfry had scotched that possibility at the breakfast table when it was timorously floated.)

It would surely be far better, mused Bullfry, if all these simple truths were recognised and the constant implicit criticism of the Bar and male barristers as some backwater of unreconstructed chauvinism was silenced forever.

Bullfry leant back on the chaise longue and picked up one of the French classics; his secretary, carefully selected by the second Mrs Bullfry for her singular looks, knocked and entered. 'Just time for another double before we finish up, Alice - and pour one for me as well'.

A gentle calm descended on Bullfry, the ataraxia of one whose

business for the day has ended. He thought momentarily of Blenkinsop, even then winging his way north with a coterie of young thrusters from the mega firm, two benighted juniors, and a caravanserai containing more tender bundles than any man could ever wish, or hope, to deploy.

Bullfry's battered head fell forward; the tattered copy of Balzac slipped from his grasp - a suspirious snore escaped.



...his secretary carefully selected by the second Mrs. Bullfry for her singular looks, knocked and entered. (Cartoon by Poulos Q.C.)