

A View from the **Bench** Bridge of Starship Justice



Judge's Log: Star date 41553.4. Destination: Unknown. We have been plumbing the outer reaches of the star system Tedium now for 3 months in search of the issues in this proceeding but with little success. The forward sensors detected them briefly two weeks ago but just as we were about to make contact with them they were sucked into a cloud of ionised waffle. Our attempts to enter the waffle cloud have been thwarted by a force field of highly energised but impenetrable solicitors' correspondence. On first contact, the force field overwhelmed our issue detectors and caused the electronic court file temporarily to crash which is entirely unprecedented. After an alarming period during which I was forced to steer the courtroom manually, my associate, Spok, was eventually able to reboot the system using an adults-only version of Angry Birds, a small piece of brioche and some dental floss. For now, the guidance system is stable although I have lingering doubts about Spok who has been behaving strangely since we first encountered the waffle cloud.

The next step is not clear. Access to the Commonwealth Courts Portal remains blocked by a temporal anomaly so it will not be possible, until the anomaly is cleared, to return to normality, whatever that is. In the meantime, a detachment of counsel have begun to gather on the starboard bow in preparation for what will no doubt be another sortie. They have a new and particularly powerful weapon, the hyper-linked written submission in PDF format, which they have been firing at the court intermittently with some limited success. The shields have not failed yet but our energy levels are low and it is only a matter of time before one of them gets through and I have to read it. They did not

warn me about this at the Star Fleet Academy.

In the meantime, the number of reserved judgments has shot up dramatically and a complaint stream has been opened on the hailing channel. It is beginning to approach critical levels and the bridge has begun to flash red and to appear to shake violently from side to side as the crew throw themselves around rather unconvincingly. I knew that that this was bound to happen if I spent time writing this log. I convened a meeting about this problem with my senior officers to see if some solution could not be found before the entire propulsion system blew. This meeting took place in the rearward kitchenette just behind the teleporter which connects us to the Chief Justice and other distant bodies, heavenly or otherwise. Minutes were kept and a fine poppy seed cake served. As a result, I have determined to use the temporal anomaly against this problem. By reversing the bipolarity of Spok, running a new patch for my dictaphone which I have written called '<HearTrialNow>', changing the hold music from Depeche Mode to Aerosmith and giving the whole system a good solid whack with back copies of the Spectator, I believe I will be able to deliver the judgments before the cases to which they relate have even been filed.

I confess this idea was not entirely original but was inspired by the Circuit Court. Its insight, for which it is justly famous, was that much higher warp speeds could be achieved if one shut down the procedural fairness algorithms in the warp drive. My insight was that one could improve on this outcome still further if one simply excluded the litigants altogether from the court system and wrote the judgments without reference to them or

their pesky problems.

It is early days yet with this new method and there have been, I do not mind admitting, some minor teething problems such as, for example, how does one describe the plaintiff-to-be but who is-not-yet? And, of course, there have been the usual complaints from the rule of law rent-a-crowd about the administration of justice &c &c and that is not to mention the predictable grumbles from the Sandanistas lurking in the upper reaches of the judicial firmament. But I am not concerned about those cheerless types who do but wile away the hours pondering the big questions such as: can a judge, not in a state of jurisdictional grace, receive the sacraments of judicial review; is the concept of law part of the law or separate from the law or merely non-contiguous with it; must there be an even number of torts; and, is the law of contract made from soft cheese or hard? Heady stuff, no doubt. But no use to me out here in the outer reaches of Tedium dealing with waffle cloud.

The advantages which will flow from dispensing with litigants will have associated efficiencies. For example, it will free up time to spend on important judicial work such as looking out the window, complaining about the decline in the quality of the legal profession and generally just remembering the good old days when unreported judgments were actually unreported and counsel got in and out of the lift in order of seniority. Judge's log closed for now.

Archon's View is a new column. It provides an opportunity for a current judicial officer to provide an anonymous view of the Bar.