

A case by any other name

By Therese Catanzariti

During the Soccer World Cup, the SBS broadcaster, Lucy Zelic, was criticised for properly pronouncing the names of the players.

It reminded me of the time when I was in court making oral submissions and referred to *Perre v Apand* (1999) 198 CLR 180. That is *PERRY* v Apand. The judge corrected me, condescendingly, *PEAR* v Apand. Obviously, I did not know what I was talking about, and I probably did not really understand the case.

Actually, I did know what I was talking about. My great-grandmother was a Perre. There are a number of Perre families in my home town, and they have extended family in South Australia. I'm probably distantly related. But that doesn't matter, because in the legal world it's Pear v Apand.

How did it happen? A client who anglicised their name for their solicitor and counsel? Counsel who mispronounced it and the client was too awed / cowed / timid to correct counsel? Sitting in counsel's chambers, counsel is busy and important, it's just a small mistake, they bite their tongue. A judge who mispronounced it and counsel who was too awed / cowed / timid to correct the judge? I've done it myself – when I was very junior, my client had changed her name



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because she hated her name but the judge asked her a number of questions while she was in the witness box constantly using her

original name, and I didn't dare to interrupt the judge to correct him. So Frank and Caterina Perre go all the way to the High Court and become Mr and Mrs Pear.

When I was at university, my admin law lecturer referred to the case of *Minister of Immigration and Ethnic Affairs v Pochi*. Mr hokey pokey Pokey. Mr Pochi was from my home town and the revocation of his deportation order was a cause celebre. After class, I said to the lecturer that it was actually pronounced PoorKI, with the emphasis on the last syllable (like the knights of Ni). But she continued to pronounce it Pokey. Mr hokey pokey Pokey is received pronunciation.

Lucy Zelic said that properly pronouncing the players' names showed respect for Australia's multicultural society. I often wonder how many case names from other ethnicities I am completely pronouncing wrong. And we are all pronouncing wrong. What effort are we making to find out how our client pronounces their name? Do we dare correct a judge when they wrongly pronounce our client's name?

The NSW Bar encourages diversity, such that the profession is representative of our community. The judges are increasingly representing that diversity. At the very least, that may help with their pronouncing our parties' names correctly **BN**

