
Book Reviews

Peter Hunt, *The Prosecution of Peter Pumpkin-Eater*, Sydney: The Federation Press, 1998.

*"Peter Peter Pumpkin-Eater
Had a wife but couldn't keep her
Locked her in a pumpkin shell
And there he kept her very well..."*

Anon.

What Peter Hunt does in this short, beautifully constructed, and witty book, is provide the reader, whether a member of the legal profession or not, with a humorous, yet educating, look at the legal process from the perspective of the fictitious Peter Pumpkin-Eater. Readers will appreciate the satire, find humour in the uncanny familiarity of the characters, reminisce on their childhood nursery rhymes, which at the time may not have appeared to raise legal issues, and become intrigued by the story which unfolds as we follow a naive Peter Pumpkin-Eater through a somewhat caricaturised legal process. The most remarkable aspect of this book, however, is its unequivocal value as an educational tool. Students of the law, and solicitors alike, will benefit from this easy read as it guides them through the legal process from police interview to barrister's conference and finally to trial. Along the way Hunt raises ethical issues, identifies and discusses rules of evidence and trial process, and provides a striking contrast between levels of professional competency. Further, this book has potential as an excellent introductory tool for parties to legal proceedings by offering an insight into the nature of such.

Hunt tells of the trial of Mr Pumpkin-Eater, charged with the false imprisonment of his wife. The story commences with Pumpkin-Eater alone in the police interview room and moves chronologically through the legal process, ending with a somewhat shocking post-verdict revelation. Through the antics of characters such as Molly Mouthpiece (Peter's gallant, yet naive, solicitor), Billy Baldface (the inept barrister), Johnny Goodfellow (the very good barrister), Perry Pelican (the melancholy magistrate), Mrs Pumpkin Eater, Inspector Nightstick, Constable Illot, and most importantly, Mr Pumpkin-Eater, the author is able to create a humour which entices the reader to explore the unique intricacies of the

case, and in so doing provides a unique platform from which to teach the law. We observe through the eyes of Peter Pumpkin-Eater the police interview, the solicitor/client conference, the call over, the plea of guilty, the barristers conference, and the trial, comprising of Mrs Pumpkin-Eaters evidence-in-chief and cross-examination, the "no case" submission, Mr Pumpkin-Eater's evidence-in-chief and cross-examination, an adjournment, the submissions, and the verdict. Throughout, the reader is presented with an exaggerated portrayal of the stereotypes often associated with both the legal process and profession. Moreover, it is through such observation that the valuable lessons contained in the text are learnt.

In the first chapter, entitled 'The Police Interview', we meet a man accused of the false imprisonment of his wife, and immediately gain insight into his character. Mr Pumpkin-Eater is a man who, although alone in a police interview room, can allow his mind to wander to things as trivial as the colour of the wall paint and to how he could improve his "sad grey" surrounds. He is a lovable rogue, whose naivety endears him to the reader. His constant childlike observation of the antics of other characters enables Hunt to entertain without being condescending. And by virtue of such commentary, we gain insight into how an ordinary citizen may perceive the legal system with all its rigid procedure, cliches, and subtle humour.

During the course of the police interview we are confronted with the "good cop, bad cop" cliché, we watch a fumbling Mr Pumpkin-Eater protest his innocence, and we observe how rapidly the mood of such interviews can change as the police probe for information. However, in observing the interview process, the reader can learn quite a bit from the lessons incorporated within the text. Peter is informed at the start of the interview of his right to silence, a right which he later exercises when he states "I do not wish to answer any further questions until I have consulted a lawyer". Further, he is informed of the allegations which have been made against him, he is told that the interview is being recorded, and finally is charged. Each of these events provide both the legal professional and lay person with a clear lesson on the more prominent rights accorded the accused and the procedure the police are required to follow in conducting an interview with a suspected person.

Next, we follow Mr Pumpkin-Eater as he attends his solicitor's office. The setting providing the author with a stage from which to expound a lesson on legal ethics. This is accomplished by the creation of a situation in which Mr Pumpkin-Eater asks Molly Mouthpiece (his solicitor) whether everything he says to her during the conference is confidential. The lesson is given in Molly's answer when she states;

"... yes, everything you say to me's a secret. I am not allowed to repeat what you tell me without your permission" (p 11).

This discussion leads to the hypothetical question of what a solicitor

would do if their client told them that the police were right. Again, Hunt, through Molly's reply, provides the recommended resolution to such a situation. Molly states;

"I would have to advise you to plead guilty to the charge against you. If you reject my advice and decided to plead not guilty then I would tell you that I could no longer act for you.... I would not be able to act for you... because even though I have a duty to keep your secrets, I also have a duty not to mislead the court." (p 12)

Furthermore, Molly's character allows Hunt to play on the stereotypes associated with the legal process. The first thing Mr Pumpkin-Eater informs the reader of upon entering the office is that Molly Mouthpiece has lots of old mustard coloured books on shelves around her office, a familiar sight for those who frequent legal offices. He deduces from this that he is dealing with someone who knows an awful lot. The chapter concludes with Molly making a costs agreement with Mr Pumpkin-Eater, returning Hunt to his role as legal educator as the reader is informed of the requirement that a costs agreement be entered into at the first conference.

The story progresses to the call over, where Hunt uses the observations of Mr Pumpkin-Eater to explain to the reader the process of the call over. In this delightful chapter Peter compares the solicitors around the bar table to ants, is confused by the way the 'old boys' talk of their school football teams as though they were still in the team, and observes the overuse of the term 'Your Worship' by solicitors in the local court. The author also appears to criticise solicitors who spend too much time in their office when he introduces into the story a character who, when addressing the Magistrate states;

"Thank Your Worship, if I may mention a matter in the civil claims list, full stop, new paragraph. ... oh sorry." (p 20)

Most importantly, however, Hunt informs the reader, through the use of various examples, of the procedure which should be followed when mentioning a matter at a call over. He identifies the relevant information which must be given to the court, and he familiarises the reader with the appropriate language which should be used. A similar description is given for a plea of guilty, for whilst at the call over Pumpkin-Eater observes such a plea made on behalf of none other than Mr Wolfe, charged with the destruction of two houses owned by the little pigs. By incorporating this plea into the story the author enables the reader to experience the procedure involved in entering a plea of guilty, particular emphasis being placed on the lengthy submissions made on behalf of Mr Wolfe.

The story moves then to the barrister's conference where we are introduced to Billy Baldface, an inept and somewhat extroverted barrister,

whose antics provide an example of inappropriate professional conduct. Billy Baldface fails to prepare for, and receives telephone calls during, the conference. This misconduct leads ultimately to Molly Mouthpiece requesting he return the brief. Hunt provides a contrast to such unsound legal practice through the introduction of a second barrister. Johnny Goodfellow has obviously prepared for the conference and gives a brief summary of the facts to Peter Pumpkin-Eater when he arrives. Further, Mr Goodfellow leads Peter through the trial process explaining to him what he is likely to expect, and that the prosecution bears the onus of proof. In providing such contrasting levels of professional competence, Peter Hunt not only gives the reader with an example of what is expected from a competent legal professional, but also an insight into one of the consequences of incompetent practices, that being, the loss of work.

With the preliminaries completed, the trial comprises the remainder of this short story. Hunt, in separate chapters, explores Mrs Pumpkin-Eater's evidence-in-chief, the cross-examination of Mrs Pumpkin-Eater, the "no case" submission, Peter Pumpkin-Eater's evidence-in-chief, the cross-examination of Peter, a short adjournment, the submissions, and finally the verdict. Such a brief, yet detailed, chronological examination of the trial process, provides the reader with a ready guide which makes the structure of the proceeding abundantly clear. The reader may observe various methods adopted by counsel in the examination and cross examination of witnesses, their timing, their methods of obtaining the desired information without leading the witness, their attempts to break down the witness, and grounds for objecting to certain questions. It is through the application of such techniques that we are privy to revelations about the breakdown of the Pumpkin-Eater's marriage, and the extramarital affair of Mrs Pumpkin-Eater. Further, these chapters contain numerous important legal lessons. We learn of the requirement that all conversation must be recounted in first person, we are informed of the rule in *Browne v Dunn* which states that if you have an allegation to make it must be put to the witness whilst they are on the witness stand, and also of the fact that the rule in *Browne v Dunn* does not apply where the issue is raised in the defendant's cross examination. Moreover, as a reader we are entertained by the antics of the parties to the proceedings and by the satire present throughout the book.

The book concludes with the verdict and aftermath, however, it would be remiss of me to reveal either. What may be said is that revelations will rock the theoretical foundations of, and force the reader to reassess a faith in, the criminal justice system. It is in these final chapters also that the moral of this fairy tale becomes apparent, however, as stated on the back cover, "you'll have to read [this delightful book] to find out" just what that moral is.

The Prosecution of Peter Pumpkin-Eater comprises ninety-six pages with illustrations, and has a recommended retail price of \$14.95. It is written in plain English and has a very simple structure which renders it suitable

for people of all ages. However, due to its nature, much of the humour and educational value of the book will be wasted on those readers who have not had any contact, whether direct or indirect, with the legal process. In all Peter Hunt has created a unique, informative and entertaining book which is of great help in explaining the criminal justice system. As such, this book is highly recommended.

Thomas Donnelly