

Athol's answer all glass

You know, they say if you ask six lawyers the same question you'll get seven different opinions. I asked myself and got five, which shows that other lawyers need to lift their game – and also confirms my most recent diagnosis.

First up, I pretended to be a litigator: "The defendant accepts the existence of the glass, but does not admit to the existence of liqueous H₂O (water), however so described, within said glass as alleged in paragraph 1 of the plaintiff's statement of claim."

My hotshot dealmaker personality was next. "I am currently instructed by my client," I shot over the table, "that the glass is half empty. But if clause 17 were open to negotiation, my client could be prepared to live with the glass being half full."

ALLENS ARTHUR ROBINSON
LAWYER **ATHOL BIRTLEY**
WON THE PEOPLE'S CHOICE
AWARD WITH THIS SPEECH AT
THE 2010 NATIONAL GOLDEN
GAVEL COMPETITION. HIS
TOPIC WAS "TO AN OPTIMIST
THE GLASS IS HALF FULL, TO
A PESSIMIST, HALF EMPTY. TO
A LAWYER, THE GLASS IS . . ."



GLASS ACT: Golden Gavel People's Choice Award winner Athol Birtley.

Next was my bleeding heart conscience, who I assume works in human rights. "The unseen victim in this conflict is the water," he said. "The glass is interfering with the natural state of the water, violating its fundamental human right to freedom of movement."

Since I was in Canberra, I also pretended to be a government solicitor. He told myself that the department expects a view to be taken on the nature of the contents of the glass by early 2014.

I then called my favourite personality, the criminal lawyer. "Glass?" he roared from one side of my brain to the other. "You get this straight – you say nothing to nobody until I get there. Far as you're concerned, there ain't no glass, *capiche?*"

Of course, all these lawyers – being me – were Australian. For a truly international perspective, I would have to make some actual inquiries.

I phoned a lawyer in the US, who sent me a five-page sentence in capital letters. I needed a second lawyer just to tell me what the first one had said. Her advice was 15 pages, invented the word heretoforethereof, and I think somewhere in the process I may have waived my right to a fair trial.

New Zealand was next, but her glass was actually full, so she wasn't much help. I also tried France, but apparently they're all on strike.

I'll move on, as I'm conscious that not everyone in the audience is a lawyer. (Security, they're on table 4.)

What's so special about this glass of water anyway? Water can't be that scarce, we invent new brands of it every day.

I think we should update the saying based on more modern experiences, like . . . elections. The optimist says "Yes! We got half the votes!", and the pessimist says "Aww, we only got half the votes!"

This isn't the only saying in need of a 21st century makeover.

Penny for your thoughts? Sure, I like it in principle, but haven't you forgotten inflation? If you look at how much

lawyers charge per hour, a penny's not going to get you very much these days. The pot calling the kettle black. Black? Hello? Have you guys even seen the spring issue of *Vogue Living*? Micro-brushed stainless steel or nothing, thank you very much.

And my favourite: A bird in the hand is worth two in the bush. You know, I'm okay with the bird staying in the bush – I don't really want it in the hand if that's okay with you.

If anything, you should have to give me two birds if you want me to hold them. At least then I could pit them against each other and start a secret underground cockfighting ring (even if it only lasted one fight).

Now I admit, not all sayings are out of date. The early bird gets the worm. As far as I know, there haven't been any major advances in avian civilisation recently. No shift work, no all nighters, no 24-hour supermarkets. Point is, if you're a bird, and you get up early, bam! You got yourself a worm.

Back to the glass. Half full, half empty? We could argue till the cows come home, which incidentally is another phrase we probably need to update, since I don't actually know anyone who shares their home with cattle. Having said that I should note I've never been to Queanbeyan.

The point is, we could argue all day. No, that's actually the point, we could argue all day.

We're lawyers. We like arguing, the same way Tiger Woods likes sex – anytime, anywhere and, if possible, with money changing hands when we're done.

To us, the glass isn't half full *or* half empty, it's just a good excuse for a fight. ●

The 2011 Victorian Golden Gavel competition will be held on 12 May. Don't miss your chance to compete and win the chance to represent Victoria at the national competition in September. Enter now at www.liv.asn.au/whatsoncalendar. Entries close 21 April.