VOISIN LAW

Fancy a boogie Mr Bailiff? | 1

I bet I can guess what you did this summer? Did you have a cheeky libation at lunch? Did you have a little nap in the afternoon? Did a little bit of dribble secrete from the right corner of your mouth while dozing on a sunbed? Ahh, fantastic times.

One thing that I am sure that most of you did over the summer was read a book. In this world of modern technology, sitting down with a good book is one of the few pleasures left in life. Let's not embroil ourselves in a debate concerning the Kindle over the book. This is currently the subject of a huge dispute in the Flynn house.

Why is Flynn banging on about books? Well over the summer I had the great pleasure (again) of being in the greatest city in the world… Dublin. In fact I was there to see a local band that have done quite well for themselves. Whilst there, I listened to a radio interview with Judge Bryan McMahon who was a Judge of the Irish High Court and the author of a number Irish law text books.

As a lawyer, listening to a Judge speaking so frankly is a fascinating experience. The McMahon interview was particularly so.

Of particular interest was his comment about how Judges are informed as to humanity and compassion. Judge McMahon relied in part on literature to inform himself of these great attributes.

Judge McMahon's career in Ireland was initially in academia. He explained that given his responsibility to law students, he considered it particularly relevant that they should have regard to literature. Why?

Firstly, he explained that literature is concerned with language and beautiful and effective language to boot. Of course, an essential tool for any law student is the command of language.

He observed that half of lawyers' time is spent interpreting documents and laws. The other half is spent on composing letters, pleadings and opinions. Such writing must be accurate. If it is not, a whole world of pain can befall the client, and, on occasion, the lawyer. Literature heightens ones appreciation for language.

Secondly (and perhaps obviously) literature is about stories. Judge McMahon remarked that good literature is good stories by good writers. Moreover it is not just stories for stories sake. He referred to one of the shortest stories purportedly ever written and attributed to Hemingway. It contains but a few words. "For sale: Baby shoes, never worn". Notwithstanding the sparsity of words this story has a profound narrative.

Judge McMahon opined that if you are a lawyer you should seek to be involved in everything. He described "everything" as being grist to the mill to the lawyers. He referred to the fact that a lawyer will have clients coming through his/her door with an array of issues. The more you know, the better your advice.

He recalled that when he was a student he was required to do an essay on the merits of capital punishment. He did a pro/con analysis. He could not find anything that tipped his view one way or another. Some years later he read a book by Allan Paton called "Cry, the Beloved Country". After reading the book, Judge McMahon said that he knew in his heart that capital punishment was wrong. The

conclusion that he arrived at came through literature not through any high analysis of jurisprudence or a law book.

Once appointed to the bench, Judges are often required to isolate themselves. Judge McMahon remarked upon the fact that he never got to the Cheltenham festival in those years on the bench. He did not think it was appropriate that a Judge be seen at such an event. On this point I fundamentally disagree! However he added that during his time as a Judge he had many cases which involved nightclub disturbances. He, himself, had never been to a nightclub and yet he was being asked to determine cases involving nightclub fracas. He believed that it would have been helpful if he had experienced the environment.

He went on to add that, of course, most Judges have not directly experienced murder. An insight however might be gained by reading Dostoevsky, Dickens, Camus and Kafka.

From a local perspective, Judge McMahon's assessment of knowledge and life experience is a tick in the box as to why Jurats are so fundamental to the Jersey legal system.

So I would like to thank Judge McMahon for reminding me of how great literature can be in terms of informing me in my everyday work life. I would remind students to move away from Snapchat, YouTube and other such media forums and stick your head in a good book. I take this opportunity publically of reminding my daughter of the very same. Finally, I would invite all the nightclubs in Jersey to invite the Jersey Judiciary (including the Jurats) to a nightclub event. Perhaps a beach night? Now that would be truly something.