

Chapter 17

Bill Beddoes is the senior partner in the firm, an Australian, and very direct. He is shorter than I, but he fills the room. His eyes pin you, blue and sharp; he seems to play his voice as if his large nose were a trumpet. He comes to work in a suit, but he takes his coat off immediately, and loosens his tie so that it hangs around his neck like a brightly coloured hangman's noose. In court, he is devastatingly direct, which makes our firm much sought after. He seems to like me, and I cautiously like him, but I would not care to do the wrong thing, as long as he is my boss.

Cyril Tang is a dull man, overweight, with a loud, pedantic, voice. He is a devil for detail. The third partner is Martin's uncle, Norman Chow, a wily old crocodile. He even looks like one. And so does Martin, now I come to think of it. Old Chow is tall, thin, wiry, with sleepy, expressionless eyes behind his large spectacles, and a wide mouth set in a secret smile. He looks like what I imagine Martin himself will look like in ninety years' time. But there are differences between them. Old Chow says little, but when he speaks, any one sentence of his carries the meaning of four. His words are powerful, his audience submits easily. When Martin speaks, he uses four sentences with the meaning of one. With those linguistic weapons, each in his different way bludgeons his audience into submission.

I am nervous with all this complex talent around me. The civil cases tend to require too much specialised knowledge to delegate to as junior a person as I. Martin, who is of course just as junior as I am, is nevertheless given some of these cases to handle. The difference is that he does not appear at all junior. More and more I realize I am in the wrong firm, if not in the wrong profession. But Bill seems to take my limitations kindly – so far.

Occasionally, when the Crown Prosecutor's department is overworked, they sub-contract to the private sector. That is, they pay our firm to take on some of their work, and when that happens, I am asked to research the easy cases on which to cut my teeth, and then appear in court as "pupil", usually to Bill; it will be six months before I earn the title of "clerk". Anyway, my work so far enabled us to obtain convictions in both cases referred to me. I am pleased with that.

Now along comes my third case. Bill calls me to his office.

"Here's another one for you, Chris. Nice and easy. You'll eat it. There's a regulation that forbids hawkers to set up their stalls within a specified distance of an existing shop, right? Well, this drongo – the defendant, Mr. Chan – ", he adds impatiently on seeing my puzzled look, "was well inside the limit, three foot something, as measured by a Government inspector. But instead of copping it fair and square and paying up, he's screaming his innocence like a bloody wanker, thereby wasting the tax-payer's money with a proper trial. Want to take it?"

He passes me a legal folder, tied up with a red tape. It appears I have no option but to take it. Watched by those glittering, *gwailo* eyes, I open the file and read carefully.

"Seems straight-forward enough."

“Good. Do your stuff and report to me Friday afternoon. The case is remitted for hearing Monday next, Court Room 6. Oh, and you might just glance at the regulations on Street Trading; 40 and 41.2 seem to be the operative ones. Okay? See you Friday.”

I do what he says. I also spend some time in the Attorney General’s Chambers, and with the inspector who booked the offending hawker. Mr. Chan is in his late sixties, with several previous convictions for this and related offences.

On Monday, I turn up at Court Room 6 in plenty of time. While I am waiting, sitting at the prosecuting councils’ table studying the papers, Cyril Tang eases himself heavily down beside me.

“Bill was called to another case at the last minute. I’m going to have to rely on you. Quickly, brief me.” He is uncomfortable, this stickler for detail, having only minutes to prepare for the case.

“It is simple really, I don’t anticipate any problems.” I let him know the facts, the wording of the Regulations, and the Inspector’s report. Just as I am finishing, I am aware that the defending council and his clerk have taken their places just across from me.

“Hello, Chris.” I hear a familiar voice. I turn to face Siu Ling smiling at me. She is pupil for Chang, the senior of her firm.

I am startled. This is the first time I have seen her since uni days. She is looking so gorgeous, so alive, yet so cool and competent in her business suit. My heart races, and I find myself blushing. I try hard to appear cool, as I whisper back.

“Well, what a coincidence! On opposite sides are we?” I try some psychological warfare. “Aren’t we both wasting our time on this one?”

“You know better than to expect me to respond to that, Chris.”

The magistrate enters, and we go through the motions. The defendant is placed in the box, and Cyril takes him through the preliminaries – in English, via a translator. This is pretty stupid, seeing that all parties present, from the Magistrate down, have Cantonese as their first language. But that is the system.

Siu Ling whispers to Chang, who objects, raising just this procedural point. “If Your Worship pleases, can we not proceed in Cantonese, given the present circumstances?”

They are wasting their breath.

“I am sure you are just as aware of proper court procedure as I am, Mr. Chang. Unless, of course, you can point to some compelling circumstance?” The Magistrate clearly expects there to be none.

“In due course, Your Worship. Meantime, I withdraw my request.” He smiles and sits

I am beginning to feel uneasy. Siu Ling seemed to be behind this interjection, and she is not a fool, and neither is Chang. They seem calmly confident, despite being denied their request.

She must have found something when researching the case, but what I cannot imagine. Cyril ploughs tediously through his examination of the defendant, but his lack of preparation does not show, and I am pleased with my briefing of him. Not only does there seem to be no doubt of the fellow's guilt, but he also has previous convictions for similar offences. He will be fined a thousand dollars or so, which he will recover in a few days trading, and then it will start all over again. A waste of time and money.

But when the distance from the building is mentioned, Siu Ling interjects. A brave thing for a pupil to do.

"If Your Worship pleases, may I put a question to the defendant in Cantonese?"

"Mr. Chang, would you ask your overly enthusiastic pupil to put any questions she might have through you? I hope she is not suggesting that our Court interpreters are incompetent?"

"My apologies, Your Worship." He turns to Siu Ling, wagging his finger at her in mock censure. They whisper.

"Your Worship, it is a matter of ambiguity in translation, not incorrect translation. I wish to refer to the Chinese version of the Regulations."

While Chang is talking, she turns to me with the sort of smile that two years ago would have devastated me. It still does.

Magistrate Lee is impatient, but concedes. "Proceed."

Chang holds up a copy of the Street Trading Regulations in Chinese.

"These, Your Worship, are the pertinent Regulations in Chinese. These are what the defendant would have read. May I confirm that with the defendant?"

He does so. He asks him, through the interpreter, what he understood the Regulations to mean. Chan replies in Cantonese, the interpreter in English.

"No, this is my point, Your Worship. This is the ambiguity. May I ask him again, and may I translate his reply, with due apologies to the interpreter?"

Chang asks the same question, and the defendant gives the same answer, but what Chang translates into English is not what the interpreter had just said. Now I see what Siu Ling's researching of the case had uncovered. The distance is written as mandatory in English, as only advisory in Chinese. Chan *was* acting within the Regulations, as they appeared in Chinese, his only language! The official Government translation was wrong¹. I too had made a bad mistake. I had not checked the translation, and Siu Ling had. And I had left Cyril Tang looking like a fool who had not done his homework.

¹ This is based on a true incident.

The Magistrate agrees that there is a problem. “Hmmm. This is serious. It will have to be referred back to the Chief Parliamentary Counsel. I can only dismiss the present case. I so rule.” He bangs his gavel. We all rise.

Siu Ling looks across at me, cheekily shaping a kiss with her lips. She then bows to Magistrate Lee, and proceeds to leave with Chang. As she passes me, she surreptitiously squeezes my arm, and whispers, “You were wonderful, Chris!”

The bitch! The words she used when I saved her from Wherrett!

I take my time leaving, apologising profusely to Cyril. He remains ominously silent. At least Siu Ling has gone when we go outside. I could not bear to see her crowing over me. Even just to see her looking pleased with herself would make me want to kill her.

Just before lunch, I am called to Bill’s office. Cyril is already there. The atmosphere tells me he has already told Bill of the debacle. Also present are Old Chow, and Martin. This looks bad. Bill fixes me with those now terrible eyes of his. He does not waste words.

“You mean to say you let that fucking Lai bitch, cute though she be, walk all over you? That you didn’t even check the fucking regulations, which, I need not remind you, are written in your own bloody language?”

The others stare at me impassively. They are used to Bill’s sudden rages when things go wrong. I do not attempt to defend myself. What is there to say?

I return to my office, completely miserable, wondering how I can tell Emily how badly I have failed. I must change my profession. As a lawyer, I am a wash-out.

There is a tap on the door. Martin enters and sits down.

“That could have happened to anyone, Chris. There must have been hundreds of wrong convictions on that mistranslation. It’s not your fault, it’s the Chief Parliamentary Counsel’s.”

Well, why didn’t you say that a few moments ago, you two-headed snake, I ask myself, but he is continuing. “And don’t let Bill’s barbaric little tantrums put you off. I’ll lay odds that after work he will buy you a drink and apologise.”

He stands, squeezing my shoulder in a human gesture rare for Martin. Then he returns to the Martin of old. “Isn’t it tremendous to see what a promising young lawyer our classmate Siu Ling is turning out to be! We were a good year, such a good year!”

This is what he is really saying: “Here is the real Herbert F. Y. Tsien Medallist. I know you understand that an unfortunate mistake has been made. But I am magnanimous about it.”

He then sweeps out of the room, no doubt busily planning the next Important Thing he has to do. Despite everything, I have to laugh.