

Justice for Luigi

By Joseph W. Little

[The story¹ begins with a pantomime. Luigi, a sailor, is swabbing the deck of a ship. He tumbles to a sickening fall. While crumpled in a heap with a group of sailors hovering solicitously but helplessly about, a figure garbed in a wig and flowing robes, obviously an English lawyer, comes sweeping onto the scene. The lawyer comforts Luigi, tears off part of his robe and binds his head, pulls him shakily to his feet and produces a scroll of paper that Luigi obediently signs in a painstaking manner. The lawyer then bestows the care of Luigi upon three whitecoated medical attendants who appear at the appropriate moment. They receive detailed and enthusiastic instructions from the lawyer, while the remainder of the sailors mill about, and an officer, who is obviously the captain of the ship, demonstrates signs of dismay. The fittings of the scene make it clear that Luigi is Portugese, that the ship is American and that the non-nautical characters are English.

During this scene the following verses are sung or chanted by a chorus of stereotypic English characters of a Dickensian mold.]

Luigi the Portugese sailor
In service on an American ship,
Fell into the hold of the vessel
While she was docked in an English slip.

The fall was a Tort in the English Port,
Bringing to Luigi dismay
For so hard did he hit the bottom of the ship,
That his brain was turned to pate.

Though his fall on the deck of the vessel
Left his mind dazzled and dazed,
To forget a solicitor to hire
Luigi was not so crazed.

Assured by the solicitor that fortune
Under English law was to be his,
To Portugal returned poor Luigi,

1. Apologies to *Castanho v. Brown & Root*, (H.L. (E.)), 3 W.L.R. 991 (1980) from which this piece was suggested.

There his mind in the sun to un-dizz.

Justice in measure for Luigi,
Is to be returned to a life at sea,
And justice in measure for the lawyer
Is to receive a big fat fee.

[The following chorus is chanted or sung by three dancing English lawyers: a solicitor, a barrister and a Queen's Council, each dressed appropriately. The backdrop contains common symbols of law, courts and justice.]

Justice, justice, justice,
Justice must be won.
English lawyers in English courts
Will see sweet justice done.

Upon the Common Law of England
Stands the freedom of this domain,
And the bulwark of that freedom
Is the English lawyer's brain.

A heritage so cherished
Must be kept from decay,
And this birth right, so precious,
Can't be gave away.

Fees, fees, fees,
Fees we must not spurn.
English lawyers in English courts
Fat fees will we earn.

[The next verses are sung or chanted by the original motley chorus. Same backdrop.]

English justice is not simple,
It quite cannot be done,
When the qualified lawyers of the realm
Number only one.

A solicitor his brief to take
Before the honoured judges,
Must a robed, bewigged barrister engage,
Which no English lawyer begrudges.

And t'would be a foolish wag
Whose thought would deem it nice,
That for a solitary solicitor
A solitary barrister would suffice.

Not so, in the English law
 Where a leader there must be,
 Honourable, loquacious and pretentious,
 No less than a grand Q.C.!

Oh, the solicitor talks to the barrister
 In tones of respect, prithee,
 And the barrister whispers to Queen's Council
 Who talks to the court for all three.

One must lead and the other must follow
 The majestic stride of the grand Q.C.
 One doth speak and the others doth wallow
 In the incandescent brilliance of his repartee.

[The next chorus is sung or chanted by the three lawyers. Same backdrop.]

Justice, justice, justice,
 Justice must be done.
 But justice is never cheap
 For an English-man.

Fees, fees, fees,
 Paid to the lawyers three,
 Oil the wheels of justice,
 And the tongue of the grand Q.C.

Fees are to justice
 As fertilizer is to wheat,
 The more you pour on the crop
 The better the lawyers eat.

Justice, justice, justice,
 Justice will be done.
 Fees, fees, fees,
 Fat fees will be won.

[The next verses are sung or chanted by the original motley chorus. The three lawyers huddle, gesticulate and scatter papers about on one side of the set. A judge appears on the other side, properly attired and reposed behind a judicial bench.]

While Luigi the Portugese sailor
 Lay mending across the ocean,
 A document the lawyers wrote,
 In the form of a legal motion.

Upon the rolls of the Queen's own Bench

Appeared a legal writ,
 And upon its parchment face did stand
 These bold words: To wit.

Luigi the Portuguese sailor,
 Upon an American ship,
 Grievous harm did him befall
 While docked in an English slip.

It was a Tort in an English port,
 As defined by English law,
 And a legal remedy not to give
 Would stick in the English craw.

English justice must be done
 For this poor sailor man,
 By laying upon the American purse
 The lawful English hand.

[The three lawyers softly sing or chant the following verse. Same background.]

Dollars, dollars, dollars,
 Sweet justice will we be-get.
 Dollars, dollars, dollars,
 From defendant's rich pock-et.

[The judge, now the centre of the set, replies, with gusto.]

"Justice will be done,"
 Cried the judge who read the writ.
 "The truth of the cause is proved
 By the brief and the barrister's wit."

[The three lawyers then sing or chant the following verse. Same background.]

Truth, truth, truth,
 English justice doth pursue.
 Lawyers, lawyers, lawyers,
 No less than three will do.

[The motley chorus then sings or chants the following verses in a dirgelike manner. Same background, except the American captain appears with three more lawyers.]

But silence fell upon the court
 When before the decree did issue,
 Another writ on the rolls appeared,

The English case to dis-sue.

Luigi the Portugese sailor,
His head on the mend,
Had hired an American lawyer,
Who an American suit did be-gin.

The captain of the American ship,
Two suits, too much to belch,
Sought an order from the English judge,
The English case to squelch.

[The grand Q.C. quizically sings or chants the next verse. Same background.]

“What makes this man so fickle,”
Implored the grand Q.C.,
“With the passage of but a moment more,
English justice his would be?”

[A light blue backdrop is unfurled from behind which the chorus sings or chants the following verses. The original three lawyers and the judge stand by in dismay. The ship captain and his lawyer remain but are inconspicuous.]

“Every question deserves an answer,”
Replied a voice out of the blue.
“And to the ‘plaint of the English lawyer,
These American words will do.”

English justice is sweet,
It’s the fount of the law
But American justice is rich,
It’ll fill Luigi’s maw.

Preferring richness to sweetness,
Which no barrister would nix,
Luigi the Portugese sailor,
His suit did nimbly switch.

[The following verse is sung or chanted by the three lawyers. Same background.]

“Woe, woe, woe,”
Moaned the English three.
“Go, go, go,
There goes our big fat fee.”

[Same scene. From behind the blue backdrop the chorus sings or

chants.]

In America there is no rule
That requires lawyers three,
But for every suitor, not a fool
One lawyer there will be.

And that one American lawyer
Gets no paltry fee
'Stablished by the courts in fair amount,
As do the English three.

But the single American lawyer,
Modestly takes as pay,
Forty per cent of plaintiff's judgment,
Which, colloquially speaking, ain't hay!

[The three lawyers respond, singing or chanting the following verse. Same background.]

Forty, forty, forty,
Forty parts of every recove-ry,
Forty, forty, forty,
It's another American discove-ry!

[From behind the blue backdrop the chorus sings or chants.]

Fees, fees, fees,
English lawyers fat fees do split.
Fees, fees, fees,
American lawyers fatter fees do get!

[The blue backdrop is whisked away and the motley chorus sings or chants the following verse while the three lawyers mope about in puzzlement.]

Gloom, gloom, gloom,
English justice will not be done.
Fees, fees, fees,
Fat fees will not be won.

[Suddenly the grand Q.C. has a bright idea, and the chorus chants or sings the following verse in elation. The three lawyers dance a jig.]

But inventive, resourceful and ingenious,
The mind of the grand Q.C.,
Quickly conceived a solution magnificent
To save the English fee.

[Still jiggling, the three lawyers sing or chant the following verses.]

To the Lords we will go
 In pursuit of a solemn writ.
 That'll stay Luigi's American case
 'Till we've disposed of it.

Joy, joy, joy,
 English justice will be done,
 By staying Luigi's American hand
 'Till his English case we've won.

Justice, justice, justice,
 English justice will not be spurned.
 Fees, fees, fees,
 Fat fees will be earned.

[The single judge is joined by four more, one of which is old and fitfully attentive. The motley chorus sings or chants the following verse.]

Before their Honorable Lordships,
 Appeared the grand Q.C.,
 English justice to extol
 In this bitter contro-er-sy.

[With great pomp the grand Q.C. sings or chants the following verses. Same background.]

My Lords and paragons of the law
 Stand I before this bar.
 To plead for English justice,
 For Luigi the Portugese Tar.

The writ of the American captain,
 To grant t'would not be right,
 Like Delilah shore Samson of his power,
 T'would shear the British lion of might.

This parlous end you must desist,
 By means of a solemn writ,
 Luigi his American case forsake,
 Or, to gaol with the simple twit!

[Their Lordships reply by exuberantly singing or chanting the following verses. Same background.]

This parlous end we will desist,
 By means of this solemn writ.

Luigi, your American case forsake,
Or, t'will be gaol for you, you twit.

"Justice, justice, justice,"
Cried their Lordships five.
"Luigi's American hand will we stay,
English justice to keep alive."

[In ecstasy, the three lawyers sing or chant the following verse.
The ship captain and his lawyers are silently dismal.]

Joy, joy, joy,
English justice will be done.
Luigi's American hand is stayed,
Until his English case we've won.

[The aged Lord wakes up and croakily sings or chants the following verse. The three lawyers are dumbfounded. The ship captain and his lawyers are elated.]

"But where is this Portuguese sailor?"
Inquired the ancient Lord,
"If beyond the reach of the British Raj,
Our writ he need not accord."

The force of a British writ,
Weighs naught beyond the sea.
In foreign hands in a foreign land
A brutum fulmen it would be.

[The chorus sings or chants the following verse. The other characters modify their signs of elation and dismay as appropriate to the message.]

Words, words, words,
Even from the Queen's own hand,
Beyond the British Isles would be
A mere brutum ful-men.

[Despondently, the three lawyers sing or chant the following verse. Same background.]

Woe, woe, triple woe,
This news brings gloom to me.
In foreign hands in a foreign land
A mere brutum fulmen it would be!

[A second Lord pops up to sing or chant the following verse. Same background.]

“But wait,” cried a learned Lord,
Shaking his hoary locks,
“Luigi’s American suit needn’t put
English justice on the rocks.”

[The five Lords and the three lawyers sing or chant the following verse. Emotions of all characters change as appropriate.]

Joy, joy, triple joy,
The puzzle this key unlocks.
We need not stay the American hand
To keep us off the rocks.

[The five Lords chant or sing the following verse. Same background.]

“Oh, no,” said the learned Lords,
“No suit shall we dismiss,
To meddle with the American court
Would be a great remiss.”

Let Luigi sue in America
And sue in England, too.
His recoveries the judges will adjust
If victories in both ensue.

“Two chances for justice is twice as just,”
Crooned their Lordships five,
“Thus on grounds of highest principle,
Keep we both suits alive.”

[The three lawyers sing or chant the following verse. Same background. Emotions as appropriate.]

Princi-pal, princi-pal, princi-pal,
Makes it possible to earn a fee,
Oh, double justice is double princi-pal,
For the solicitor, the barrister and the grand Q.C.

[In frustration, the ship captain sings or chants the following verse. Same background.]

“This plan may do great justice,
For head-bashed Lui-gi,”
“But,” implored the American captain,
“What’s just in it for me?”

[In reply the five Lords sing or chant the following verse.]

"Justice," cried the learned Lords,
 "Is not in the eye of the beholder,
 If the judgment of this court you dare
 Out of gaol you'll grow no older!"

[In elation, the three lawyers sing or chant the following verse.]

Justice, justice, justice,
 Sweet justice has been done.
 Fees, fees, fess,
 Fat fees we have won.

[Appearing for the first time in front of the blue backdrop is a character identified by dress and symbols as an American lawyer. He sings or chants the following verse. The three English lawyers, joined by the chorus and the five Lords continue to sing or chant the preceding verse, subdued.]

Justice, justice, justice,
 American justice is sweet and kind,
 And if Luigi's American case we win
 Forty parts of it are mine!

[Taking over from the American, the grand Q.C. sings or chants the following verse, wryly. The others continue subdued.]

Justice, justice, justice,
 It seems naught just to me,
 That forty parts the American gets,
 While I earn but a paltry fee.

[Taking over from the grand Q.C., Luigi sings or chants the following verse. The others continue.]

Justice, justice, justice,
 Double justice they say I'll get.
 But after all their fees are paid
 There'll be but princi-ple for me, I'll bet.

[Taking over from Luigi, the American ship captain sings or chants the following verse. The others continue.]

Justice, justice, justice,
 For the lawyers it may be just.
 But the parties of this lawsuit
 Each has the law left bust!

[For the grand finale, all join in exuberant repetition of the hith-

erto subdued verse.]

Justice, justice, justice,
Sweet justice has been done.
Fees, fees, fees,
Fat fees we have won.

Finis.

Copyright Joseph W. Little 1981