

# LAW & DISORDER

Volume 44 - July 2010

Within minutes of circulating last month's [June's eZine](#) a Legal Receptionist cancelled her free subscription. Please be assured that my reference to Legal Receptionists was only by example, it could have been prison camp guards or anyone.



Most Legal Receptionists do have a wonderful sense of humour, they need it.

*Brennan*

**Paul Brennan**

Editor

Author of the [The Law is an Ass...Make Sure it Doesn't Bite Yours!](#)

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### The Grim Eater

Dear John

I was very distressed to hear lately that in New Zealand, Funeral Directors noticed that a quiet, respectable looking man in his 40's and wearing a suit was attending up to four funerals a week. Some reported that he had plastic containers and took away food. Newspapers reported that the "Grim Eater" was eventually taken aside by a funeral director and given a stiff talking to.

Surely, this can only serve to drive up the cost of funerals for we senior citizens.

JB  
Sydney

Dear JB

Dishonestly taking funeral refreshments belonging to another without consent is theft.

This is not an uncommon problem especially where the deceased was unpopular and the relatives are desperate to get bums on seats and do not carefully vet attendees.

If you are unable to vet the attendees, I suggest that you avoid general invitations to mourners such as "You are all welcome to join us for refreshments afterwards". This is implied consent and a defence to a charge of theft. It is probably better to say nothing

as choosing the right words can be difficult. Words such as "Will friends of the deceased..." could exclude many attendees especially ex-spouses.

A refreshment ticketing system often used at accountants' funerals is ideal and particularly useful in the event of a tax office audit.

Another argument used by sandwich stealers, especially great aunts, is that the sandwiches were left over and therefore could be taken away. A small tasteful sign saying "Food must be consumed on the premises" is useful evidence. But, legally if the sandwiches were to be thrown away it could mean that they belonged to no one which is a defence to theft. In the case of left over sandwiches, it is difficult to get the Funeral Director to give evidence that they would have been re-circulated at the next funeral. Therefore a "doggy bag" clause in the funeral contract would be further evidence that the sandwiches were not abandoned.

A trespasser once discovered can be asked to leave and ejected with reasonable force. If forcible ejection is necessary it is best to have the trespasser dragged rather than lifted up onto the shoulders to avoid any claim for injury against the estate from over-enthusiastic mourners or from the trespasser him or herself.

J.F.

**(c) Paul Brennan 2010.** Extract from John Fytit's International Legal Problem Page. Now written on the 101 Reasons to Kill All the Lawyers Blog at <http://101reasonstokillallthelawyers.com/>

John Fytit is the name of the central cartoon character in Law & Disorder cartoons which started in Hong Kong in 1992. He is from the fictitious Hong Kong firm Fytit & Loos (pronounced "Fight it and Lose"). A very unsuccessful name as people read "Fytit" as "Fit it". The International Problem Page started in 2005 and was merged into Paul Brennan's blog. But, not before John Fytit started to receive real legal questions from various parts of the world.

## Fight the Good Fight

In writing the Ten Biggest Legal Mistakes I put fighting with a neighbour near the top of the list. It can lead to you moving house, I advised.

However, against my own advice, I once punched my own neighbour in the mouth.

I had just moved to the Sunshine Coast. My son was playing outside in a noisy way and my neighbour swore at him. My son told his Mum and she went outside to reason with my neighbour.

By the time that I had got outside my wife and neighbour were arguing. I had never spoken to my neighbour but he was as usual holding a beer can in his muscly hand and wearing a white vest with little tufts of hair growing on top of his shoulders.

I tried to steer my wife indoors, but as we moved back, the argument continued and he pressed forward in a sort of menacing drunken manner. Eventually, he raised his fist and motioned to me that he was going to hit her. He seemed to expect me to support him. He kept moving forward towards us and I hit him. He shouted that he would "sue" and then changed it to "kill" me which I felt was more appropriate in the circumstances.

The next morning, the police arrived. However, they decided that I was entitled to defend my wife in these circumstances.



Therefore, I have revised my advice to - if you cannot resist attacking your neighbours, rent.

For those of you who long to prevail in hand to hand combat, against overwhelming odds, in defence of your loved ones, my wife's verdict was "You didn't hit him hard enough".

(c) Paul Brennan 2010 practices on the Sunshine Coast, Queensland. He is author of "The Law is an Ass-Make Sure it Doesn't bite yours!"



### The Passenger Whisperer

Martin Grunstein\* recently wrote about Bill a cabin crew member for a major Australian airline who he met on a golf course. If passengers forgot to say "please" Bill would say "I am sure you mean PLEASE" because passengers "need to be taught some manners".

I once saw a member of cabin crew who after receiving a complaint from a lady passenger continued to stand behind the passenger's seat and bait her. I imagine that she hoped to drive the situation up to where the plastic handcuffs are threatened or used. Eventually, I said "You are

baiting this lady". This seemed to defuse the situation much to everyone's disappointment.

Bill's honest and educational approach could result in him getting the blame despite the passenger's poor manners. Modern customer service requires guile. He should start by finding out what a passenger wants and then give it to them very slowly, if at all. If they question his actions he should mention safety. Rather than focusing on manners he would be better off restricting their movements e.g. tell them to sit down when they want to stand up etc. I suggest he starts with people in their 50's who are known to have a short fuse and work his way up to normal people.

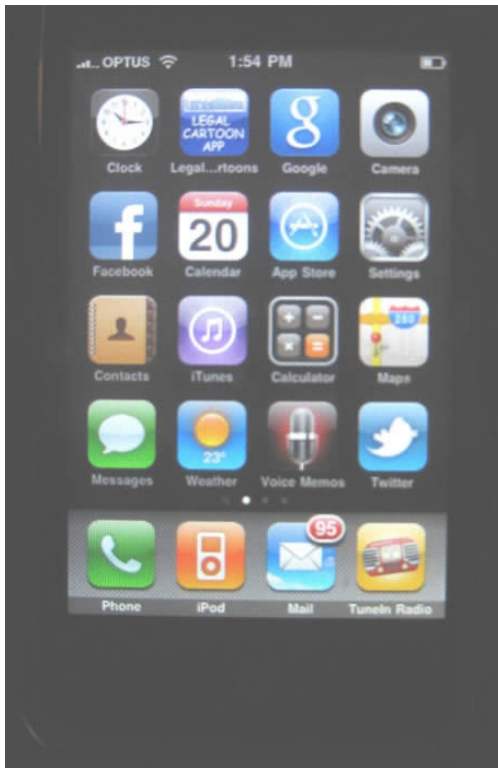
Unless he is dealing with anyone from Afghanistan or Pakistan, it is important that he only attempts one arrest per flight as the prospect of an entire row being handcuffed may raise suspicions and put an unnecessary strain on airport security.

Bill will be pleased to hear of new laws to strengthen the powers of cabin crew. Of course, he will have no time for golf, he will be too busy giving evidence, but is that not a sacrifice worth making to keep our skies safe and passengers respectful.

Long before the [Dreyfus affair](#), behind every well intentioned, tough security law there are people abusing their position.

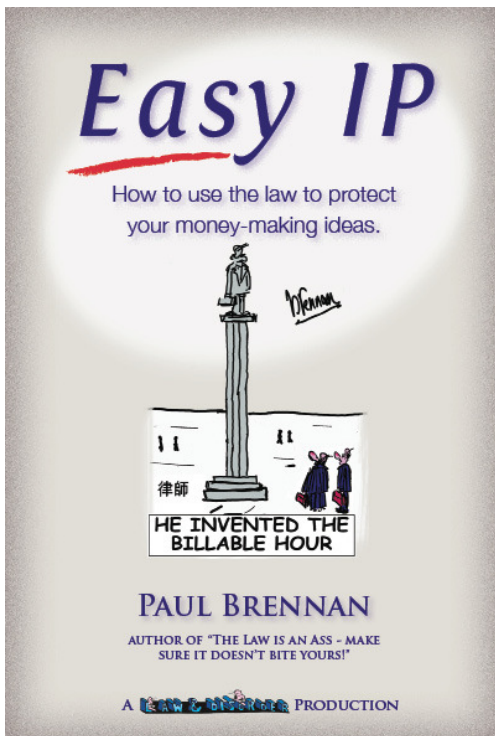
[\(c\) Paul Brennan 2010](#) author of soon to be released [Easy IP](#) and [other books, eBooks and CDs](#).

*\*Martin Grunstein is a very funny speaker on customer service*  
[www.martingrunstein.com.au](http://www.martingrunstein.com.au)



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Everybody wants to think of a great idea that will make them rich. A good indication that you have a great idea is that someone copies it but, by then it can be too late.

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## Office space

11.5 sm of commercial office space (large room) in Brennans offices.

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### **Disclaimer:**

The content of the Law & Disorder eZine is to give you legal basics and in some instances included unashamedly to try and make you laugh. In law it is sometimes difficult to work out what is serious and what is just for fun. Therefore, if you plan to do anything legal, rely on your own lawyer's advice or instruct me to look at the particular facts of your case. Not only will I deny responsibility for the legal content but also for some of the jokes.

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