

Note on Court Dress

1. **The Robes.** The junior Bar wears a Robe in Court which is based on the mourning Robe which came into existence at the death of Charles II in 1685. For the full history of this, see the monograph by Professor Sir John Baker, who is the leading English Legal historian.
2. **The Wig.** This is the Ramillies peruke, (a style named after the Duke of Marlborough's Battle of that name) which was in fashion at the death of Queen Anne in 1714. It has not changed since that time, although the materials out of which it has been made have varied, depending on the propensities of the individual wig maker.
3. **Tab and Collars.** This is, as I understand it, a little more uncertain, and the present wing collar is, probably, a derivation from the Victorian gentleman's dress. The Tabs almost certainly have a much longer history, because similar tabs were worn by divines back as far as the 17th Century. In the 18th and 19th Centuries, there were various makers of these to be found around the Temple Church, in the shops that existed alongside the Church in those times.
4. The English Bar has been celebrating the death of Charles II and Queen Anne, and has been happily doing so. It has not caused any harm.
5. **It is a uniform.** Many people in English life have and do wear uniforms, be they Yeoman Warders, policemen, especially with their distinctive helmets, as do many others. It tells other people who they are and what they do.
6. For the entrants it is a cover for their lack of experience, a mark of the profession which they have joined and, sometimes, a protection against their professional and lay clients. It is not a guarantee of quality or expertise, it merely tells the world what the person wearing such accoutrements is and does.
7. Anyone with a sense of history, putting on their wig in the Robing Room of whichever Court they are attending, might recall the fearless behaviour of the great Thomas Erskine, who, when reproved for his defence in the Dean of St Asaph's Case, said to the Judge: "*My Lord, I know my duty, as well as your Lordship knows yours. I will not alter my conduct.*" Perhaps that should be written inside every wig box ever manufactured.

8. I have American trial lawyer friends who like our uniform for the simple reason that it means that there is no competition between the attorneys, as one friend described it, in the battle of the suits, shirts and ties.
9. **The desire to wear Wigs.** Some twenty to twenty five years ago, solicitors who had gained rights of audience in the higher courts were very anxious to be allowed to wear wigs, in addition to their gowns. Various applications were made for such a right and they were all refused.
10. **Change for its own sake.** I have never been impressed with this argument. I am not troubled about what the Judges wear. Frankly, they can wear swimming trunks under their gowns, if they wish. Their new court dress, whether a gown which buttons up at the front or does not seem to me to add to the dignity of their office. In the House of Lords, their Lordships sit around the table wearing lounge suits. It doesn't stop the House of Lords advocates' podium from being one of the most terrifying places in the world.
11. **Leave things alone.** This aged barrister would prefer to be left alone and be allowed to continue to wear the Court clothes, a uniform no less, together with a wig to cover his almost non-existent hairline, as my predecessors have since 1714. I also believe that most of my clients like it as well.

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