



## The Furies (Sartorial Edition)

**Is it still frowned upon to wear brown shoes to court? If we are at a place of acceptance in relation to brown shoes, what of other more demonstrative (dare I say) splendid shoes? I once had a colleague who wore black and white chequered brogues to court on each occasion and it did not appear to have any adverse impact on outcome.**

This is serious stuff! And we, the Furies, do not shirk the heavy responsibility of providing the definitive guidance sought by male<sup>1</sup> barristers on this essential issue. After a meticulous search of governing legislation, we looked to subordinated legislation, and then to rules and then to policy guides whereby we found a 2007 edict handed down by the then Chief Justice of the Supreme Court of New South Wales going by the title ‘court Attire Policy’. In a user-friendly tabular format, the policy helpfully sets out, for each type of hearing, the requirement for the barrister to wear first, a robe and, secondly, a wig. We are reliably informed this policy has strict application. However – *and we cannot emphasise this strongly enough* – the items of clothing listed in the policy are not exhaustive. We feel confident in saying, in keeping with the policy’s stated purpose<sup>2</sup>, that barristers are indeed also required to wear *other* items of clothing. But what are these *other* items of clothing we hear you ask?

Our research has also taken us to judicial expositions on the matter. We have taken heed of the words of Justice Frederico of the Family Court in 1983 when refusing to take a barrister’s appearance because she wore trousers instead of a skirt, as well as the extra-curial writings of Justice Young who, in 2006, out of politeness, reserved his condemnation of certain advocates’ attire for his column in the *Australian Law Journal*, entitled, ‘Politeness’<sup>3</sup>. We have reduced these curial and extra-curial expositions to a golden thread which we think is best pithily expressed as follows: thou shalt dress according to one’s gender, but not overly so.

Thankfully, female advocates have never been spared advice on this issue, but pity the poor male barrister who, every day, must dress in fear that an unwitting display of excessive masculinity will forever diminish his professional image. Serendipitously, a barrister’s attire (wig and gown) tends to spare the male barrister from such excesses, masking as it does, all his clothing, except for his shoes. And this brings us to your question: what shoes ought a male barrister wear? It is an unfortunate fact, and one that we, the Furies, are not afraid to state in these overly politically correct times, that men’s feet are larger than average. In keeping with the above ratio, we consider it would be best for men<sup>4</sup> to draw the least attention possible to their large feet by wearing black shoes which, as we all know, is both a slimming colour and one that merges with the black of the robes to hide the largeness of all but the most distractingly large of these male appendages. The only exception to this might be where the man has much smaller than average feet such that black shoes might not make sufficiently clear his maleness for the bench. For the truly abnormally small footed man, we suggest a variegated colouring, perhaps white spats over black shoes or, dare we suggest, your friend’s bold adventure in chequered brogues. But never brown. That’s just plain ugly.

1 We say ‘male’, since female barristers have the innate sense not to wear brown shoes with black robes; a discreet lick of Lebourin red on the sole of a tastefully heeled stiletto, perhaps, but never brown!

2 The policy commences with these words: ‘*This policy aims to ensure barristers appear before the court in attire that meets the court’s expectations.*’ Thankfully this excuses a purposive reading of the text that might otherwise elude a black letter, and possibly chilly, jurist.

3 His Honour politely observed: ‘... it is clear that some female solicitors have no idea of appropriate court dress. The worst offenders are usually well-built women who expose at least the upper halves of their breasts, and as they lean forward to make a point to a judge sitting at a high level they present a most unwelcome display of bare flesh!’ Justice PW Young, ‘Politeness’, *Australian Law Journal*, March 2006.

4 Especially, dare we say, those men who are ‘well-built’.

**When I came to the Bar I was deeply ashamed of my pristine court attire. I’d availed myself of a cut-price readers’ package that included wig, gown, bar jacket and three jabots as white as snow. I was subjected to endless jibes from senior members of the floor about how unpolluted my attire was and so I embarked on a campaign of befouling my jabots and bar jacket in particular in an effort to fit in. My problem is: I’ve moved. I’m now on a hip, progressive floor with a state of the art fit-out and members shinier than the stainless steel appliances in the kitchen. Should I replace my coffee-stained, cigarette-burnt rags to fit in? Or could they help me form a nice point of difference between myself and my new colleagues?**

We are trying to reconcile ‘hip and progressive’ with ‘state of the art fit-out’ and ‘shiny members’. The latter descriptors suggest your new chambers are far from the Rumpole-like dark wood, stained carpet affairs where the members, still using fax machines, treat with great suspicion anyone with straight teeth. But the former descriptor suggests something different again to the glass and chrome joint enterprises styled as direct replicas of the top tier law firms they service exclusively and where it is rumoured new members are microchipped lest they be found straying to clients who are ‘off-brand’.

If your new floor is truly hip and progressive, it will be, like, *totally woke* and accept you as you are with your statement coffee-stained jabot, especially if you have the barrista skills to match. But perhaps that was never truly your shtick?

Whatever is your thing, we suggest you find it and that you stick to it no matter where you are. After all, it takes all types to represent all types of people and you will never be a servant to all (and yet of none) if you are cravenly subject to the demands of some.