

The trusty wig

By Tom Percy QC

With the announcement last week that the centuries-old tradition of wearing of wigs is to be discontinued in all WA courts, Tom Percy reflects on a case where the wearing of his barristers wig may have saved him...

It was probably the longest 30 seconds I've ever known.

A trip in an elevator to the 5th floor of the court building is usually harmless enough.

Unless you are alone in the company of someone who has promised to kill you.

Some years ago, as a fairly anonymous junior barrister, I was asked to take on a Legal Aid case involving an appeal from a judge's decision on a property settlement between a wife (who had won at first instance) and a husband who was representing himself.

He had, I was told before taking on the brief, a history of violence and convictions for serious offences in the Eastern States. It was said that he harboured a grudge against all judges and lawyers, especially those who appeared against him or sat in judgement on his cases. His hatred for us seemed to transcend even his pathological loathing for his wife.

But this didn't faze me; I had dealt with far worse clients in the criminal law over the years. Or so I thought.

I only saw him twice. The first time was at the appeal hearing, where he made his feelings toward myself and the bench quite clear; he didn't like any of us. And losing the case on the spot didn't help matters.

I thought no more about it until some weeks later, when he called me at my chambers. He had a distinctive foreign accent; and I immediately

reached for my dictaphone to record the call, sensing something was wrong.

He was going to kill me, he said, the next time he saw me. He would wait for me outside my chambers, when I least expected it. He then hung up.

I handed the tape to the police, who arrested him. But the next day he was released on bail; which caused me some serious concern, as it did the authorities, and for a time I was given around-the-clock undercover protection.

After a while, things settled down and I put the incident out of my mind. But while on bail he (unbeknown to me) continued to conduct his own legal affairs, which involved attendances at the court.

One morning, while his case (relating to his threat to me) was still pending, I was attending to a minor matter at the court. Dressed in street clothes, I got into the empty lift. A familiar-looking man got in and pressed the button for the 6th floor. It was him.

I saw a brief flicker of recognition as he nodded a perfunctory acknowledgment of my presence; before he alternately stared at the lift indicator and myself for the remainder of the ride. I remained still, totally and absolutely petrified.

I knew who he was instantly, but he had not recognised me at all.

I got out at the 5th floor and hastily retreated to my chambers via the fire stairs. I wasn't going back there for a



Photo courtesy Sunday Times, Perth

while; at least not on my own.

Over the next few hours, I searched for the reason why he hadn't recognised me. Then it dawned on me. The only time he'd seen me previously I had been fully robed and wigged. What he knew of my appearance was extremely limited. The barristerial uniform had apparently done its job.

After the subsequent court case in which he was convicted, I'm told he opted to leave the state, and I've (mercifully) heard nothing further.

There are said to be a number of reasons why the wearing of wigs and gowns has served us well over the past few centuries.

They enhance the dignity and solemnity of the superior courts and their proceedings. They provide a singular uniform, which demarcates the participants from the litigants.

They also provide a welcome degree of anonymity for those who sometimes need it both inside and outside the emotionally charged atmosphere of a courtroom.

That's something I can personally vouch for, and I'll be sad to see it go. ■

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