

EDGAR PRAIS

“FORREST, ARE YOU ON THE TEAM HEN?”

These were the words, bawled at me in the serenity of the Saltmarket library in August 2009 by Edgar Prais QC which heralded the fact that I was about to embark on an inimitable journey, instructed as part of the Malcolm Webster defence team. That journey was to last almost 2 years in the preparation for, and conduct of, one of Scotland’s most unique and fascinating cases, led by one of Scotland’s most unique and fascinating men. Although I knew Edgar, I had never worked with him before. Sadly this was to be the last time I ever would.

I first met Edgar 2 years prior to calling at the Bar. The meeting had been arranged by a mutual friend, Lord Fraser of Carmyllie, who cited and still cites Edgar as “Scotland’s greatest lawyer” (something that infuriates Edgar!). We met in Cafe Gandolfi , Merchant city, Glasgow. The lunch was loud, food was forced upon me in great quantities, questions were relentless and challenging and we left the restaurant with Edgar having decided that was it, I was coming to the Bar. He had even decided who my devil masters were to be, speaking of various people with great enthusiasm and warm affection. I was daunted. Of course, I was there for advice about joining the Bar but this all seemed too easy, too quick. Despite repeatedly trying to steer me in a direction out of law altogether, Edgar had set me on my path to becoming an advocate. However, it was this no nonsense approach of Edgar’s, his refusal to complicate matters and his genuine concern for others combined with generosity of his time that endeared me greatly to this man.

Preparation for the Webster trial was no easy feat. Each member of the team was presented with 15 large boxes, each containing at least 6 lever arch folders. Consultations were lengthy and intense, made up of 3, week-long sessions in the offices of Mathers solicitors, Aberdeen – for starters. Edgar spoke for sometimes 7 hours a day, leaving him exhausted (not to mention us!), with a 3 hour journey by train to face before reaching home each night. However, this didn’t stymie his ability to entertain the staff and customers of what became our local Aberdeen eatery each lunchtime. As we walked through the door each day I wondered just what he was going to come out with next. Indeed, Edgar is quite prepared to shout at anybody – no-one is safe when he is about. I recall travelling with him one of these nights to Edinburgh after consultation, by train. One unsuspecting sod boarded the train only to be confronted by Edgar popping up from the seat and bawling at him “where did you get those ridiculous glasses” For some, this would have inevitably resulted in a punch in the face. For Edgar, it just opened up a conversation with a new friend.

Before the trial began, we faced numerous Preliminary Hearings. Edgar argued no less than 8 preliminary issues. The result – Government 7, Team Webster, 1! Unperturbed (well, almost) we proceeded to trial.

The trial itself was like no other I have encountered, nor am likely to encounter again. Each witness was more pleasant than the next. No-one had an addiction problem or had forgotten to take their methadone that morning. The challenges for the defence team were great. However, throughout, Edgar kept us all entertained. Going into the Saltmarket each morning was not like going to work at all. Although there were times when Edgar had to be taken outside, walked up and down to calm him down, each day brought a pleasant and humorous working environment, thanks to Edgar.

My favourite story from the Trial was an objection by Edgar to the Advocate Depute, Derek Ogg QC. Derek, carried away with Examination in Chief of his witness, was leading relentlessly. Edgar stood up and quietly posed the question "M'Lord, I wonder if there is a need for a witness at all". Derek, outraged, asked for the jury to be put out so the matter could be aired. There was much strutting and jousting with Derek then gently reminded to stick to open questions. The jury were then brought back in and Derek started up his questioning again. There then followed shrieks of laughter from the jury as they saw that Derek had begun his questioning - with an empty witness box! No one laughed harder than Edgar!

Despite the challenges for the defence, it was clear the jury had a real affection for Edgar. When he got up to cross examine they visibly sat up with keen anticipation of what he had to say. Any witnesses offering any cheek to Edgar from the witness box were not favoured by the jury. They became almost defensive of him despite their ultimate conviction at the end of the trial.

The jury understood that the man who stood before them fighting for his client was upholding the finest traditions of a courtroom advocate. Edgar represented each client he acted for passionately and treated everyone in the courtroom with equal respect. His skill lay in his ability to communicate on every level. The court was dignified by the manner in which he pursued his work. He provided a template for me in my chosen career and I am sure the same could be said by many others. Edgar, we are all on your team!

Edith Forrest