

IN THE HIGH COURT OF JUDICATURE
CIVIL DIVISION

Royal Courts of Justice
The Strand
London WC2A 2LL

Tuesday, 30th July 2013

Before:

THE PRESIDENT OF THE SUPREME COURT
(Lord Neuberger)

THE MASTER OF THE ROLLS
(Lord Dyson)

THE PRESIDENT OF THE QUEEN'S BENCH DIVISION
(Sir John Thomas)

THE PRESIDENT OF THE FAMILY DIVISION
(Sir James Munby)

and

THE CHANCELLOR OF THE HIGH COURT
(Sir Terence Etherton)

VALEDICTORY ADDRESSES

for

THE LORD CHIEF JUSTICE OF ENGLAND AND WALES
(Lord Judge)

by

THE MASTER OF THE ROLLS

THE ATTORNEY-GENERAL
(Mr Dominic Grieve QC)

THE CHAIRMAN OF THE BAR COUNCIL
(Miss Maura McGowan QC)

and

THE PRESIDENT OF THE LAW SOCIETY
(Mr Nick Fluck)

Tuesday 30th July 2013

MASTER EGAN QC:

Valedictory address for Lord Judge, Lord Chief Justice for England and Wales.

THE MASTER OF THE ROLLS:

Lord Chief Justice, Mr Grieve, we are here to say an official and very public farewell to one of our greatest Chief Justices. This is but one of many farewells, but, in the presence of this glittering array of distinguished witnesses, it is perhaps the most important. As you know, this is an invitation-only event. Such has been the demand to be present today that we could have filled this court many times over.

It is a very strange role reversal for me to be sitting here today making this speech alongside Igor. In fact, it is he who should be delivering this valedictory to himself. I realise that this would be a rather unusual step to take and a departure from tradition. But I have heard him deliver dozens of speeches of welcome and valediction to judges and Lord Justices of Appeal. They have all been little short of miniature works of art, each marvellously crafted and carefully tailored to the honoree and the occasion, expressed with clarity, warmth and wit. He always finds something charming to say. Even in those cases where that may be a bit of a struggle and the evidence is a little thin, you would never know it.

As a student of his speeches, I have noticed that a recurring motif is his love of the circuits. When welcoming a new judge from a specialist field (usually of a commercial

nature), he takes obvious delight in saying that he is just a Circuit Hack. He is justly proud of his circuit roots. But hack? All I can say is that he is the finest Circuit Hack of his generation. What he means, of course, is that he is an all-rounder who has bags of common sense, and not one of those specialists whose feet are not always on the ground and who produce sometimes overlong, over-complicated and even, dare I say it, incomprehensible judgments. With characteristic modesty, he also greatly underestimates his ability as a lawyer. He has made many major contributions to the development of our law in a number of areas, particularly, of course, in the area of criminal law.

I said at the outset that he is one of our greatest Chief Justices. This is no mere hyperbole. It is undeniably true. I have seen at first hand these last ten months the burdens that he has borne. He has been responsible for leading the judiciary of England and Wales during a period of unprecedented difficulties and challenges. The Government likes to portray challenges as opportunities. The problem of keeping the morale of the judiciary up in the eye of the pensions' storm was a very odd kind of opportunity. Igor felt this very keenly. He battled long and hard to negotiate the best deal that he could with the Government. He was disappointed with the outcome. But nobody could have done better. Such has been his dedication to the judiciary that, over a two week period, he went round the country speaking to the judges and giving them an account of what he had done. I attended one of those speeches. At the end, those who were present were so grateful to him for what he had done that a good deal of the sting of their anger had been drawn. That was precisely what he intended. Igor has never lost his

art as advocate. I heard him give the final address at the Commonwealth Law Conference in Cape Town earlier this year. He spoke movingly and brilliantly about the evils of inequality and discrimination. At the end, he received a standing ovation. After four days of many rather turgid presentations long after torpor had taken hold, that was quite an achievement.

The post that he has held with such distinction for five years is arduous and stressful. One of his most remarkable attributes is that he always has time to chat, even occasionally to indulge in unadulterated gossip, with anyone. He is as happy talking to clerks and judicial assistants as to senior judges, and maybe more so; as happy talking to tiny children as to the elderly who are well past their prime. He remembers the names of everyone, as well as those of their partners, their children and their dogs. I find this most annoying, because I sometimes cannot even remember the names of colleagues whom I see day in and day out. He has a real interest in his fellow human beings. It is entirely genuine. It is what makes him so popular. Let me give but one example. Anne Sharp, the previous chief executive of the Judicial Office, was on leave. Igor knew that she was anxiously waiting for her son's A level results. She received a message that Igor wanted to speak to her urgently. She wondered what on earth had happened and was very worried. When she spoke to him, she discovered that he simply wanted to know how her son had done. What better illustration could there be of the humanity of the man? It is this humanity and deep understanding of people that can be seen in all aspects of his life, not least in his judgments. It comes naturally to him. There is nothing contrived or studied about it. He encourages everybody and brings the best out in them. That is the

hallmark of a great man. I should add that he has given me wonderful encouragement and support. For this I shall always be grateful to him.

Igor is so universally admired and held in such affection that it may seem unkind, if not perverse, to say that, when preparing this speech, I wondered whether there were any stories about him that I could tell which showed that he has some weakness after all. Surely there has been some peccadillo or indiscretion lurking in the shadows which I could disclose for the first time perhaps to the world – some minor faux pas. I asked colleagues, I asked clerks, members of his staff, court ushers. But there was nothing – or nothing that they were prepared to disclose. They all had nothing but praise.

Well, I can disclose a story about Igor and a fig tree. I can feel that he is a little worried. It happened in 1992. He had been a Queen's Bench Judge for about five years and I was still at the Bar. We and our wives happened quite by chance to be together on a group walking holiday in Italy. It was hot and we were tired. We came upon a wonderful fig tree laden with fruit. It stood alone in a field, but fairly close to a house. It was not entirely clear whether the tree was on private land. Everyone fell on the succulent figs, except for Igor (I am not sure about Judith). I never asked him why he held back and I resisted the temptation. Perhaps it was that he just does not like figs. Perhaps he suspected that someone would leak to the Press the story of the top judge fig thief. But I think that the reality is that, even in a remote field in Italy, he just knew instinctively how to behave. The rest of us did not.

But eventually I did think of a weakness. I found his Achilles heel. It has stared me in the face almost every day since I became Master of the Rolls. It is identified by two letters: IT. In a word, the IT revolution has completely passed him by. Surprisingly, he disputes this, but it is true. His whole family will say that it is true, even his grandchildren. It is as if the IT revolution never happened. Emails, no; BlackBerry, no; mobiles, no; ipads, no. I could go on. How has he managed? By having a formidable efficient army of loyal supporters, all I think female (although that is, I am sure, pure chance). I have seen first hand how perfectly he treats his team and how and why he commands their unstinting loyalty and affection. And I should not, of course, overlook Judith, who is a most competent out-of-hours IT supporter too.

I am confident that Igor does not regret the IT situation in which he finds himself. But I believe that, in his dreams, like many of us, he regrets that he was never invited to open the batting for England. How wonderful it would have been to score that century at Lords. But leaving dreams on one side, he has no cause for any regrets whatsoever.

Igor is a devoted and loving family man who is intensely proud of his family, most of whom are here today. Sadly, Helen is unable to be here as she is abroad. Nor can his mother be here; she lives in Malta. I have never met Igor's mother, but he frequently speaks about her. She sounds utterly formidable.

Which of course brings me to Judith. Igor has told me on countless occasions that he could never have done this job without her support. And he is not referring to her IT

skills – or at least not only. She is a remarkable person – warm, intelligent and every bit as interested in people as he is. In fact, if she had been a judge, I suspect that she would have been a terrific Lady Chief Justice.

Igor, the country is so grateful to you for what you have done during the last five years and indeed throughout your long and distinguished judicial career. You are still remarkably energetic. I speak on behalf of us all in wishing you, Judith and your entire family good health and happiness for many years to come.

Mr Grieve?

THE ATTORNEY GENERAL:

My Lord, I can start by saying that Lord Woolf has reminded me that I should reassure the court that I am not this morning seeking the court's leave to extend the sentence of the Lord Chief Justice, despite, I should add, the numerous representations I have received to do so.

My Lord, we have indeed assembled to wish farewell to the top Judge whose name has become synonymous with his office. But what of the top Igor?

I do not know if your Lordship is familiar with the novels of Sir Terry Pratchett. His fantasy Discworld satirises our own. Indeed, some of its architectural inspiration such as the Unseen University seems to have come directing from this building with its spiral staircases built within spiral staircases. I would not wish to hazard as to who fits the role

of arch-chancellor. Igors in Sir Terry's work are given a special place as one of the few categories of creature to combine effectiveness with selflessness and benevolence. The hallmark of a good Igor is described as a relentless urge towards self-improvement. Now, my Lord, none of us here who have appeared before you have ever considered that you needed improving, but we have certainly all been improved by appearance before you in your court.

Their only drawback, my Lord, is that the Igors of Discworld are so exceptional that they are possible only through extreme human regenerative surgery and show this rather visibly. While it may be said of all of us who are common lawyers, nurtured on circuits and in bar messes, as you have been, that we are the cobbled together products resulting from years of trying to match the finest common law principles with very poorly drafted legislative statute, your happy and well-preserved appearance suggests inherent and persistent serenity and positive purpose, rather than having been stitched together from the best available parts of your predecessors, and you have spread those attributes all around you. We can therefore reassure my Lord, Lord Justice Thomas, that he will not be required to shed bits of himself to acquire bits of you before taking up his duties.

In a recent speech you gave at Temple Church about Magna Carta you recalled William Marshall, Earl of Pembroke – adviser to three kings and guardian of a fourth. You described him as a "rare creature, trusted for his integrity by the Barons as well as by the King". Now, my Lord, speaking from my perspective as Attorney General, you have indeed been one of those rare individuals – a judge trusted by the legal profession, the

judiciary and governments. It is no mean feat. Although I am sure that you have at times been tried to the limit by the actions of the executive and of the legislature, you have always maintained your patience and integrity and dealt with outward equanimity and firm fairness with whatever has come at you. You have ensured, as has been said, in times of difficult change for the justice system that the judiciary's independence has been maintained from the other pillars of our constitution, whilst never allowing independence to turn into isolationism, as with it our constitution would simply no longer work. You, as Lord Chief Justice and head of the judiciary, have thus, my Lord, shown the same qualities as William Marshall. I look forward to your Lordship continuing this good work in the Supreme Court.

It has been a great honour for me to work with you and, my Lord, to continue an association that goes back to my father's days with you on the Midland Circuit. I know how much I have gained from our regular meetings. It has greatly helped me carry out my own duties.

My Lord, I wish you well in your taking up your responsibilities as Treasurer of the Middle Temple, and I wish you a retirement as happy as it will plainly be active.

THE CHAIRMAN OF THE BAR COUNCIL:

My Lord, the Bar will have very mixed feelings at the retirement of the Lord Chief Justice, Lord Judge.

His extraordinary wisdom has caused many of us to leave this court marvelling at his insight into a case and our own frailty by comparison.

We have consoled ourselves in the comfort of thinking, "he's only a Judge".

His capacity for hard work and attention to detail have, in similar fashion, left us bewildered, and dragging ourselves away exhausted at the mere spectacle, we have found solace in thinking, "he's only a Judge".

His kindness and humanity have left us embarrassed and humbled, again to take refuge in thinking, "he's only a Judge".

Imagine then, my Lord, my horror, on behalf of this profession of advocates, to see him rise to his feet and approach the lectern at the Conference of Commonwealth Lawyers in Cape Town in March of this year. I was appalled – and rightly so.

He captivated, charmed, inspired and pricked the conscience of every one of the hundreds of people in that auditorium – possibly save only me.

As a white Baron he addressed a predominantly black, male African audience on the subject of apartheid and its consequences, especially for women. He commanded their attention and their respect. He moved them to tears and to two standing ovations. He spoke with extreme emotion and power.

Of the role of a Judge he said the following:

"We aim to do justice, according to the oath I took, 'without fear or favour, affection or ill-will'. A similar oath is taken by every judge in the common law world. It means, but it does not simply mean, that the judge must be courageous in facing possible personal threats whether from individuals or officers of the State; but it goes much further. What the oath means is that, whether all those untoward threats are absent or present, the judge must be blind to prejudice: impartial, fair, balanced, with a true appreciation of the common humanity which binds us all and which we have all – everyone of us - inherited. In that way we ensure equality before the law."

I was horrified. Such oratory, such advocacy. As I walked out of the auditorium I experienced one of those brief and rare moments of clarity. "He's not just a Judge."

He has been so much more to the Bar, to the whole legal profession, the Bench and the country as a whole.

In fact, he has been a true friend and supporter to the profession throughout his career and over the course of the last six months to me personally. He has been a great counsellor and ally through some very difficult times.

On behalf of the Bar I wish him and Lady Judge – Judith – a long, happy and very healthy retirement. As such a devoted couple they deserve, at least that and all our thanks.

I am delighted to say that, as the Treasurer of my Inn, he will remain available, to some of us at least, as a continuing source of wise advice and calm counsel.

His speech in Cape Town was predicated upon the proposition that we are all equal before the law. That, of course is right. But his time as a Judge has demonstrated to all that we are not all equal in the law.

May I finish by demonstrating that I have learned one lesson?

How do you make a Maltese cross? By not sitting down soon enough.

THE PRESIDENT OF THE LAW SOCIETY:

My Lord, on behalf of the 166,000 solicitor-members of the Law Society it is a great honour to have been asked to say a few words.

We have always considered Lord Judge to be a friend to solicitors, both those newly qualified and those like myself not quite so newly qualified.

He is a particularly inclusive member of the judiciary. He has spoken at Chancery Lane about the joys of advocacy and encouraged solicitors to think about a career in advocacy for themselves.

He has inhabited the role of Lord Chief Justice in such a way as to be a role-model for many future generations who may seek to emulate his pre-eminence in the legal world.

Of course few solicitors will be able to reach the heights of Lord Chief Justice but all of our profession share some common ground with people here today, having chosen the law as their vocation.

Many, like myself, have been driven by a strong desire to uphold the rule of law and to protect access to justice, principles about which – and there is a theme developing here, my Lord – you spoke very humanely in South Africa at the start of this year.

As well as having the ability to give incisive and thought-provoking speeches, and of course being a wonderful raconteur, he is astute in his judgment about the future of the legal profession and the potential for technology to transform the delivery of legal services.

He is loved and admired by all who meet him. I recently hosted the London Legal Walk support staff prior to this year's walk. All of them were desperate to have their photograph taken with him, a process he bore with great patience and indeed every sign of complete enjoyment. Our sadness in him relinquishing the role of Lord Chief Justice is mitigated only by the fact that he is not leaving the law entirely – and for that we are very grateful.

We wish Lord Judge all the best for the future, and hope that wherever that path takes him he will always remain a friend to solicitors. Solicitors will, of course, always remain a friend to him.

THE LORD CHIEF JUSTICE:

President, Master of the Rolls, for once, after 50 years at the Bar and on the Bench – 25 at each – I am, frankly, overwhelmed and virtually speechless – not helped by the fact that some blessed bug has given me a touch of tonsillitis, so you will not hear me for long.

But the opportunity for speeches and lectures on the state of the nation, the development of the Constitution, possible threats to the rule of law, that opportunity will arrive in the autumn, and it will go on, and I intend to take advantage of it. But that is not for today.

May I say briefly, for all sorts of reasons – all sorts – it has been a privilege to hold this ancient Office. But the feature which is uppermost in our minds – that is Judith's and mine – today is the support and loyalty and kindness shown to us by so many people. From the day I walked into this court five years ago to swear my oaths of office, that support has been quite phenomenal. Without it, Judith and I know that the job would have been impossible. The list of people to whom I am indebted is virtually endless, and you do not want it, and I doubt if I could go on for as long as would be necessary because, as we all know time's winged chariot hurries near, and no doubt you will be listed at 10 or 10.30.

I hope it will be enough for today's purposes if, on behalf of us both, I say: thank you to all of those who have spoken today; if I say: thank you to all of you who have come here; and if I say: thank you to all the people who are not here, to whom we remain indebted. Thank you all very much for so much.
