

Valedictory address by Lord Falconer for Lord Woolf: Retirement of the Lord Chief Justice: Lord Falconer of Thoroton, Constitutional Affairs Secretary and Lord Chancellor

This is an historic occasion. It is the final time that Harry Woolf will sit as a judge in this jurisdiction. There can be few judges who have had such an effect on policy law and the constitution as he.

Oxford Circuit

He had the best of groundings. 15 years on the Oxford circuit, doing a mix of circuit work. He was not an overnight success. He conveys the esteem in which his clients held him by referring to one client who - after some conspicuous success in court - said to him crossly, that he hoped he never saw him again. Except socially of course.

[Top](#)

Inland Revenue

His talents, however, were evident.

The recorder of Abingdon was Patrick Medd, standing junior to the Inland Revenue. He spotted the young Woolf as a man of real talent, and he told Cyril his clerk as much. These were the days of transparent and open competitions.

Patrick was moving on. He told the Revenue to appoint Harry as his successor. They raised the fact that he knew nothing about tax, had rarely appeared in front of a Chancery judge, and they had never heard of him. These considerations, sensibly, were ignored.

Harry mastered tax - or, more accurately, he would confess, he never mastered tax. It was, he would say, the other bits of law which would determine the answer. The Revenue was delighted with him.

But Mr Moses, the solicitor to the Inland Revenue was furious when he saw the standing junior translated, within two years to being the crown junior in common law.

Harry held the post from 1974 to 1979. He was there during a huge growth in what became judicial review. He learnt more about the inner workings of government than many permanent secretaries learn in a lifetime. He did so during the difficult days of the Wilson/Callaghan government.

His undoubted success in that job, came - as did all his successes - not from his rhetorical skills but from his huge sense and the fact that he was usually right.

The Treasury devil's job is horrendously busy. Harry would work into the night. But he sensibly would stop when tired. If that meant he had not finished preparing the cases for the next day, then he would simply rely on what he could pick up about the cases in gaps during the day.

During those troubled days of the Labour government, history depended much more than we know on the order in which Mr Woolf decided to prepare his cases for the next morning.

Prepared or not, the Government listened to him - and so did the judges.

[Top](#)

Judicial career

He became a judge in 1979, aged 45, amongst the youngest in modern times. His judicial career has been dazzling - Court of Appeal at 53, Law Lord at 59, Master of the Rolls at 63, and Lord Chief Justice at 67.

That he has discharged these offices with great skill goes without saying.

That he has left a legacy of decided cases, which have and will continue to have an impact on the development of the law for generations goes without saying.

That he was a delight in every respect to appear in front of is probably something of an exaggeration.

Mr Scott Baker, as he then was, appeared for a firm of accountants. He put his case with great clarity. Mr Justice Woolf sought to summarise his submissions in a question from the bench: "So what you are saying Mr Baker is..." and then proceeded to summarise Mr Baker's submissions in one of those Woolf sentences which never end, and contain 100 subordinate clauses!

Mr Baker replied: "your Lordship puts it so much better than I"

Harry to his great credit viewed Mr Baker's submissions thereafter with great suspicion.

[Top](#)

His legacy

As a judge Harry has transformed the landscape around him.

He has significantly influenced penal policy through his report on the Strangeways prison riot.

He has transformed the conduct of civil litigation by the Access to Justice report and his reforms to civil procedure.

He has changed the relationship between the judges and the executive through negotiating the Concordat in the wake of the reforms to the office of Lord Chancellor.

He moved sentencing policy on through his chairmanship of the Sentencing Guidelines Council.

Each one of these achievements would have been legacy enough for a lifetime's career. Harry has delivered all of them. And delivered them in a very active way. He has not ever written a report which has gathered dust on the shelf. He has been keen to ensure that what he writes and what he does has effects.

The last five years have been tumultuous years for the judiciary. Harry stepped up to the job of Lord Chief Justice and, taking all his judges with him, has steered the judiciary to a safe haven - their reputation and their independence preserved and enhanced.

There will, no doubt, in the months and years to come be crises and difficulties which the judiciary will have to face. That they will be strong to do so, and have firm constitutional protections will be Harry's achievement.

[Top](#)

His characteristics

But a description of Harry's achievements does not remotely begin to convey the essence of Harry.

He has a number of bedrock characteristics which have made him the extraordinary success he has been at each stage of his judicial career.

He can carry his colleagues with him. He is a straight-forwardly decent man, of great moral authority. He

has on all important issues kept focussed unwaveringly on what he has conceived to be the core, and not been distracted by the irrelevant or the unimportant.

His judgement on what is the core of an issue has almost invariably been right, though from time to time that has not been immediately apparent to the media, and the Home Secretary of the day.

These characteristics have allowed him to move from being an effective judge, to being a great policy maker, and finally to being a great judicial leader, never leaving the previous skill as he developed new ones.

Harry has been responsible for great reform.

But he has done it from a position of total loyalty to the beliefs and institutions, which have nurtured him - the Jewish faith, the Bar, the Bench, and English law.

As a distinguished commentator wrote last year:

"Lord Woolf rejects the suggestion that he is a 'radical'. He insists his respect for the law makes him a 'traditionalist'. He will not even answer to 'progressive' and dislikes being called a 'libertarian'. He simply has absolute faith in the judicial system's duty to protect the weak and restrain the powerful. His is an essentially civilised view of society"

He is secure in his close marriage to Margaruite who has contributed to Harry's success by her support, and by the effect she has had on him over a lifetime together.

It is impossible to imagine the bench without Harry.

We will miss him, and we wish he and Margaruite well in what Harry laughingly describes as his "retirement".

Harry, thank you for all you have done.

You have been a great Lord Chief Justice - and a great judge.

The nation is in your debt.

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