

Valedictory address by Lord Goldsmith for Lord Woolf: Retirement of the Lord Chief Justice: Lord Goldsmith, Attorney General

This is a remarkable occasion to celebrate the retirement of a remarkable man who has for over half a century been one of the leading figures of the legal world.

You once wrote in the journal *Public Law* that

"When I die there may be found burnt on my heart the names Laker, Congreve, Tameside and Crossman just to name a few of my defeats when acting for the government."

This shows that you have known the pains, as well as the pleasures of advocacy on behalf of the government. Today for me it is a pleasure to have the opportunity of saying something about you.

You have made major contributions to every aspect of that world.

In administrative law - the development of which owes a great deal to your academic writings and your judgements and indeed to your advocacy for the government when you held the post of Treasury Devil; in civil justice, where, as I have seen, all round the common law world the Woolf reforms are being copied and followed; in the administration of the courts and of criminal law during your tenure as LCJ only the last in a line of distinguished appointments you have held; and in your prolific writings and lectures. And even in the language we use in Court. A person wanting to know how great the influence of your career need only do a Google search - he would find over half a million entries. I would say *cadit quaestio* - if only I could recall what the authorised Woolfian English language equivalent is.

But of course your influence has extended deep into the great issues of the day affecting the people of this country too. You have a track record as a penal reformer consistently highlighting the problems of prison overcrowding since you criticised the government in your report following the Strangeways prison riot in 1990. And showing a deep concern about penal policy, which creation of the Sentencing Guidelines Council of which you have been the first chairman has enabled you to start to restructure.

In more recent times you have been tested by the constitutional changes to our legal system and its relationship to politicians. The purpose of these changes was to provide a clear and demonstrable separation of the political and legal worlds and an enhanced protection of the independence of the judiciary. The concordat which you and the Lord Chancellor eventually concluded did not have a heroic start in the Cabinet reshuffle of June 2003 but together you have hammered out a robust constitutional framework based on principle and ideals which will stand this country well under the new order we have now created.

It was not always as clear where the boundaries between politics and law were to be found.

The Lord Chief Justice was a political figure: your predecessor Rufus Isaacs, Lord Reading, less than a hundred years ago left the Law Courts to run the legislative and economic side of the First World War from the Treasury; he led the Anglo French mission to America in 1915 and by 1917 was back in Washington as High Commissioner to the US and Canada. Throughout all this time he remained on the bench only relinquishing his post as LCJ when he went in 1921 to be Viceroy of India.

But although - unlike Isaacs - your path has been wholly judicial and legal you have been no stranger to controversy. You have taken on governments and politicians with courage and conviction often courting criticism which at times and in some newspapers has been nothing less than personal abuse. The importance of what judges do and the part their decisions plays in the life of the nation means that those decisions cannot be immune from robust public debate - as I know you agree - but personal abuse is quite another thing. It is wrong in principle and it lessens the confidence which the public deserve to have in its legal system. You have behaved with great dignity in the face of this - and for that we admire you the more.

But although some of your statements and judgements have been controversial I think that cannot be said of your reference in *Parkin -v- ASTMS* where you referred to "the programme, principles and policy of the Labour party which for the purposes of this judgement I will accept are inconsistent with the programme, principles and policy of the Conservative party." Though this judgement was in 1980 (in [1980] ICR 662 at 669) I cannot imagine what political changes you were hinting at in your proper judicial caution in confining that proposition to one "for the purpose of this judgment".

But what those of us who have been fortunate to work with you and to know you well will always recall are the qualities which lay behind these achievements: a man of courage and compassion, of humanity and justice. You have been like the ideal judge of Isaiah chapter 11, verses 3 -5:

"He will not judge by appearances, nor decide by hearsay; but he will act with justice to the poor and decide with fairness for the meek of the land".

And whatever the pressures you have been under, your humanity and courtesy have never wavered. Nor your energy: presiding over a difficult hearing in the Court of Appeal at one moment and delivering a major lecture that same day.

I would mention also your fundamental decency and kindness and of course your sense of humour and fun. I am told that many years ago a young official in the then Lord Chancellor's Department told to book you on a flight under an assumed name for security purposes chose the name "Mr Sheep". His allusion was clear. The then Permanent Secretary took a very dim view of this impertinence. But you saw the funny side.

Like Charlie Falconer I want also to mention Marguerite. Those who know you know how important to you her support has been - and sometimes we believe her influence too because as a long time Magistrate she has too clear views on how our courts should run and how justice should be done. And how important to you has been your family life: your children and your grandchildren. Today's event means you will have some more time with her and with them - and for that we know you will be very grateful.

Your legacy is not *Laker*, or *Crossman* or those other cases. It is the concordat, the new Supreme Court to be, the new civil procedure, prison reform the Sentencing Guidelines Council and the great affection and admiration of us all.

We wish you very well.

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