

Valedictory address by Mr Guy Mansfield QC for Lord Woolf: Retirement of the Lord Chief Justice: Mr Guy Mansfield QC, Chairman of the Bar Council for England and Wales

I first met the Lord Chief Justice in January 1973. Harry Woolf was the second senior junior in 1 Crown Office Row. I had just started as a pupil in the chambers where I have remained ever since. It is therefore with very special pleasure that I speak on behalf of the Bar today.

After pupillage with the late Kenneth Jones, Harry developed his practice on the old Oxford Circuit doing a mixture of crime, family and common law civil work. This broad experience was to equip him with the background for his varied judicial and other roles.

Harry was always a prodigious worker. He has a formidable ability to identify not just the crucial point but the solution and then the route to it. Sometimes even his skills were not foolproof.

In the early 1970's two Thames Valley solicitors were negotiating the settlement of a personal injury quantum case. The first solicitor said he had experienced counsel who valued the claim at four thousand pounds, not a penny less. His opponent said that he too had experienced counsel. He had advised that three thousand pounds was the absolute maximum. Who's your counsel then said the first one - Harry Woolf! But he's mine was the reply!

In 1973 Harry was appointed Junior Counsel to the Inland Revenue. To some, he was an outside choice. It was undoubtedly an inspired one. Such was his success, that less than two years later he was appointed the Treasury Devil.

He held that post until his appointment to the High Court in 1979.

Few now will appreciate what a huge burden he carried. I shared a room with him for the first two of those years. So I saw it at first hand. In those days there was no formal panel of counsel to assist the Treasury Devil. So Harry had to do it all unless he passed it on to someone else. It was because of the appalling pressure which this brought that with the Treasury Solicitor he built up a small team, the basis for the modern panel system.

It was not uncommon for Harry to have two or three cases in the Divisional Court in one day. These would be followed by two or three conferences. This was a matter of routine.

Harry developed an unorthodox approach to this workload. He allocated a time to each matter. He then took the tape off new papers and set his alarm clock for the fixed period. When the buzzer went, he would tie the papers up and move to the next.

After ten years on the bench and appointment to the Court of Appeal, he was asked to report into the disturbances at Strangeways prison. Everyone agreed it was a masterly report. Sadly, it was not taken as a blueprint for the future. There are no votes in prison improvements.

The same ability to cut through a mass of material marked his conduct of the Inquiry into Access to Justice. In the premise that things could not just drift on with piecemeal changes and in his ambition and will for change, he was plainly right.

This report for the first time took a proper look at the cost and funding of litigation. Its impact has spread far. Thus a recent decision of the New South Wales Court of Appeal took as its starting point the Woolf report when considering the funding of group litigation. It cited with approval his call for a new approach to procedures and legal aid to achieve access to justice and a balance between the competing rights of claimants and defendants. Those two reports have left a mark on the common law world.

Harry Woolf's wisdom and concern for great or small alike and his generosity of spirit was always known to those in his chambers. His is a humanity coupled with grounding in the common law and unshakeable

principle. This humanity and wisdom has manifested itself publicly in his approach to access to justice. He has always been courteous and considerate to those appearing in front of him.

His belief in a proper system of justice accessible to all underpins his steadfast view that it is wrong to seek to make the civil courts wholly self financing. It is the role of the state in a civilised democratic society to strive to make the courts accessible. This may be a difficult ideal to achieve, but the Treasury inspired policy of ever increasing charges for court users can only achieve the opposite. Harry Woolf has led the fight against this misguided policy.

As Lord Chief Justice, his moves to introduce effective Crown Court case management have the full-hearted support of the Bar. He saw that the necessary frontloading of work required changes to the present system of remuneration for barristers in the crown court. He made that plain to the . He was led to believe that there would be funding for three pilots of the new case management system. It is no fault of his that the promised package was not delivered. It remains a disappointment to us all that this chance to measure the true impact and cost of the changes was lost. Effective case management is plainly the way forward.

Finally I come to the constitution.

The manner of the announcement two years ago that the office of Lord Chancellor was to be abolished and a new constitutional settlement put in place was surprising to say the least.

We must never forget that this Lord Chief Justice postponed his retirement, already then announced, until after this great matter had been resolved. In so doing, we must be grateful to Marguerite his devoted wife.

The Concordat he negotiated has the potential to be his greatest and most lasting mark. He has understood better than almost any other person in the country the nature of the changes and their meaning; the need to entrench a strong independent judiciary.

If anyone has earned his retirement and leaves the legal structure of this country the better for his efforts it is this Lord Chief Justice of England and Wales. I join with everyone else here in wishing him a joyful retirement or, to use a common cliché, more time with his family!

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