

**VALEDICTORY OF
PRESIDENT OF THE QUEEN'S BENCH DIVISION
THE RT HON SIR BRIAN LEVESON
IN THE LORD CHIEF JUSTICE'S COURT**

Mr Attorney,

It was Lord Lane, I think, who coined the phrase 'statutory senility' to describe the phenomenon of a judge at the height of his powers being required by Act of Parliament to retire. Sir Brian Leveson will be 70 tomorrow, the 22nd June, and so will retire as President of the Queen's Bench Division, to the deep regret of all who know him and have worked with him. This gathering this morning allows us to pay tribute to a remarkable judge, public servant and human being.

Now I know that for all Brian's distinction as a barrister and judge the most important thing in his life is his family. And so, it is a particular pleasure for me to welcome many members of the family to join in the celebration. I also know from Brian that nothing he has achieved would have been possible without the support of his wife and his parents, siblings and children.

And what achievements they have been. But a moment or two on the history. Have any of you picked up before that Brian is from Liverpool? His was a medical family. His father was a distinguished psychiatrist who did a good deal of medico-legal work. Brian, as I've said was born on 22 June, 1949 that is, and one might expect that his father would have been consumed with nervous anticipation and then devoted his time to his new born son. But it seems not. Now the internet is a remarkable thing. Perhaps Brian was a noisy baby – that is entirely possible – and so his father spent that summer

writing a paper for the September edition of the British Medical Journal on Aspirin Poisoning. Mr Attorney, for your note, 1949 BMJ 628.

Brian was precocious. His brother has been quoted as saying “He was a serious child, and was one of those guys who, if he said he would do something, he did it and did it well. Even if he wasn’t good at something he was always a trier. He always worked hard at everything. He was no athlete – agreed his brother - but he tried – the one attribute he’s always had is he has always been an extremely hard worker”. That sums it up, although I doubt there was much he wasn’t good at.

Brian started life as a scientist – there was parental pressure to become a doctor. But his interest in the law developed and he won out in the debates at home and went from school in Liverpool to Merton College, Oxford to read law. He chaired the Oxford Law Society and even then, developed a particular interest in crime.

He was called to the Bar by Middle Temple in 1970. He will be our Treasurer next year – Brian was pupil to Eric Goldrien a hugely popular Liverpool figure. He then developed a mixed common law practice whilst at the same time lecturing in law at Liverpool University. He took silk when he was only 36. By then he had already been an Assistant Recorder for two years. I believe that in a unique combination of professional and judicial early achievement. He then sat as a Recorder from 1988, later as a deputy High Court judge before joining the Queen’s Bench Division of the High Court in 2000.

Brian’s practice at the Bar remained mixed but was predominantly in Crime where he was recognised as one of the leading practitioners in the country. Still embedded in our collective consciousness is the trial of Rosemary West

which he prosecuted. I am told I can't mention another famous criminal trial in Liverpool. So I won't. But can I just say this Mr Attorney? The CPS, which you superintend, applies the two tests of evidential sufficiency and public interest before prosecuting. It might be thought that in a case that alleged tax fraud by Ken Dodd before a Liverpool jury – in reality, a Knotty Ash jury – the threshold was unusually high?

Brian's achievements as a judge deserve a full biography. There is time only for a sketch. He was presiding judge on the Northern Circuit from 2002 and 2005 and was appointed Deputy Senior Presiding judge in 2006 whilst still in the High Court. Promotion to the Court of Appeal came in that year. He was Senior Presiding Judge of England and Wales between 2007 and 2009. He chaired the Criminal Justice Council between 2008 and 2011 and was the founding Chairman of the Sentencing Council between 2010 and 2013. He has sat on the cross-government Criminal Justice Board for so long that nobody can now remember when he didn't. Brian became President of the Queen's Bench Division in 2013 and in October 2017 it was my pleasure to appoint him Head of Criminal Justice.

He was deeply involved in developing the arrangements between government and the judiciary following the passage of the Constitutional Reform Act which now govern our formal relationship. His 2015 Review of Efficiency in Criminal Proceedings is a model of clear analysis and practical suggestions – the best example, perhaps, of a largely unnoticed reality: that the judiciary constantly reviews all that happens in our courts with a view to making improvements.

Since 2006 – when Brian first joined the emerging Judicial Executive Board – he has made a greater contribution than anyone to the strategic and practical

management of the judiciary. But he has also been an outstanding judge across the board but particularly in the Criminal Division of the Court of Appeal where there is almost no topic on which he has not given judgment.

This body of judgments will continue to provide the basis of much that happens in our criminal courts for many years to come. Whilst making all of these contributions, and more, to the administration of justice Brian has run the Queen's Bench Division with distinction. I should mention the endless time and trouble he has taken with the judges of that Division during his six years in that office. It encompasses a huge range of responsibilities. No burden has been too great.

It is rarely the fate of judges for one aspect of a judge's career to eclipse all others in the public imagination. Public, I should make clear, rather than legal. It is usually the fate of politicians but it may also be the reality for Sir Brian Leveson. I am confident that he is the most well-known, most recognised judge in the country following his inquiry into the culture, practices and ethics of the press. The quite exceptional public service he rendered in taking on that role should not be underestimated. He might have said no, although resisting the blandishments of Lord Judge was never easy. But the furore surrounding some aspects of the conduct of the press in the first decade of this century reached such a pitch that the government needed to take action. Not for the first time, it was to the judiciary that government looked to provide a calm, independent and trusted review of difficult matters. Brian knew well that whatever he said or did would be unlikely to please everyone, indeed very likely to please almost no-one. But he took on the task uncomplainingly, rose to the challenge and endured the intense pressure that

it brought, perhaps, not with equanimity but with as much good humour and good grace as could be mustered. Seven years on it is remembered.

Most of you will have endured the experience of telephoning a utility company, bank or insurer, for example, and the phone having rung a few times be greeted with a recorded message saying that all the advisers are busy because of exceptional demand. It doesn't matter what time of day or night you call, there is always exceptional demand. A jingle comes on, usually very annoying, and then intermittently another recorded message tells you how important your call is to the company concerned. After what seems like a life time, contact is then made with a human being. After enduring this experience recently Brian got to the stage where it was necessary to give his personal details. Surname -Leveson, Customer adviser – is that Leveson as in the inquiry? Brian – I am afraid so.

For us the Leveson inquiry was one of the most outstanding examples of judicial public service of our age. But it was nonetheless an interlude in the course of a remarkable legal and judicial career.

May I finish on a personal note? During the last 21 months Brian has provided me with the most remarkable degree of personal support and allowed me ruthlessly to exploit his experience, his knowledge and his wisdom. The carpet in my room has been worn out by Brian's pacing up and down, round and round, hand on his head as we discuss tricky issues. I shall miss that. I shall miss his bursting into my room and saying, "I need to tell you something". Or fairly frequently the door opening, followed by the knock, with Brian then exclaiming – Ian we've got a problem. Well Brian, we sometimes had and sometimes we hadn't but what I and all his colleagues will miss most

is his good humour, his personal support and the daily evidence of his friendship.

Brian is not really the retiring type. I suspect that whilst his pace of life may slacken a little in the short term, he will soon end up almost as busy as he has always been. . On behalf of the whole of the judiciary, Brian, we wish you well as you leave fulltime judging and look forward to watching the next chapter in your remarkable life unfolding.

Mr Attorney

Mr Atkins

Mr Davis