

SIR BRIAN LEVESON VALEDICTORY

21/6/19

In 2013 I had two cases due to be heard by the Court of Appeal.

A fraud I had prosecuted with numerous grounds of appeal including that a juror, who had obviously not been part of the majority decision to convict, had then visited the defendant whilst the deliberations were ongoing and poured out his heart about the jury's deliberations.

The second was a trading standards case. I had purchased the leading text on Trading Standards law, only to discover that my opponent had written it. My opponent gave the trial Judge a copy, telling him that it had all the relevant law in it and the trial Judge promptly threw my case out at half time and I had appealed that terminating ruling.

I was notified that the juror case would be listed in front of the then Lord Chief on Wednesday the 1st of May. The day after I was notified of the juror case listing I received notification that the Trading Standards case was to be listed before the President QBD on Thursday the 2nd of May.

I sent a message asking that I be given a little more time between the two. The President obliged and the case was fixed for Friday the 3rd of May.

I turned up before the President on Friday the 3rd of May, more than a little nervous. I had heard lots about his massive brain, but nobody

at that time had ever mentioned anything to me about his sense of humour.

People have, on occasions, been complimentary about my sense of humour, but few, well, actually nobody, has ever mentioned my massive brain. My opponent was there, busy writing the next edition of his book.

The case started well, I remembered which side I was on and got my opponents' names correct. As I settled into my stride, the President asked a question. I couldn't recall having seen the answer in my opponent's book, it was probably on a page I still had not read, so I played for time. "Would your Honour give me a moment", I heard myself say, and I watched the words "Your Honour" sail across the Court, despite my best efforts to suck them back in.

Mr Justice Foskett, who was sitting on the left as I looked at the Court, and who I had assumed would be a friendly face on account of him having been my first ever leader, was already putting up the sandbags. Sir Geoffrey Grigson to the right had put on a tin helmet. The President didn't seem to be smiling.

It was time to fall on my sword.

"I am so sorry My Lord", I said, "it says more about my practise than it does about yours."

There was a pause, that seemed to me to go on for ever, and then the President laughed. Grigson took off the helmet and Foskett reappeared from behind the sandbags.

I do not know what went through the President's mind: cretin, or humorous cretin.

Whatever it was, he then turned his questions on my opponent and left me alone, clearly realising that he was not going to get much sense out of me.

Although in the subsequent reserved judgment, he did find in my favour.

Little did I know at that time, how much our paths would then cross, for in October 2014 I was elected as Leader of the Midland Circuit and I had the good fortune to get to know the President a little better during my term in that office and subsequently as vice-Chair and Chair of the Bar. He has been a strong supporter of the Bar, always prepared to offer guidance and assistance, although never afraid to make clear if he thought that the Bar could or should be doing something differently. And has been a source of assistance to me, giving me assistance both professionally and personally.

I of course cast my net wide to see if I could get any stories about him.

What has come back again and again are references to how hard he worked at every stage of his career: from the earliest days when as a pupil he always ensured that every instructing solicitor had a full glass at any chambers party; through his time in Liverpool and then London when he appeared in all of the big cases; taking silk at 16 years call and then being elevated to the High Court Bench in 2000.

Unsurprisingly he became the junior and then senior Presiding Judge of his beloved Northern Circuit, taking over from 6'7" tall Mr Justice Penry-Davey. I understand they had been known as "Little and Large".

It is rumoured that he was so assiduously hard working when he was the Senior Presider, that he had a special pocket fitted to his Speedos to keep his pager in whilst sunning himself on a beach in the Mediterranean. Thankfully though, I have been unable to unearth any picture to corroborate this story.

The other theme that has emerged from my research is about his kindness and in particular how he has looked after his Judges who may have been having difficulties or suffering from illness.

I was fortunate this year to have been invited to sit with him and Lady Rae on the panel judging the final of the National School's Mock Trial Competition. Sir Brian had given up his time to support the competition which was held in Edinburgh and took time to talk to and inspire many of the students who were at the final. He didn't need to do it, but he did.

He is also, as has been mentioned, the Chancellor of Liverpool John Moores University, taking over from the Queen guitarist Brian May in 2013. Long hair had suddenly become so out of fashion.

My Lord, Sir Brian was a giant at the Bar and has been a giant on the Bench. He will be a very hard act to follow, although I suspect that Lady Justice Sharp will bring her own inimitable style to the job.

Time is pressing on, and as tickled as I am to be here to pay tribute to the President, I had better conclude.

The President lists his activities in Who's Who as walking and travel so I will not delay his walk into the sunset, or at least across the Strand to the Middle Temple where he will be next year's Treasurer.

May I wish him, and his family, a long and happy retirement and send him off with the very best wishes from the Bar of England and Wales.

Richard Atkins QC

Chair of the Bar