**SPEECH AT THE VALEDICTION OF THE LORD CHIEF JUSTICE, LORD BURNETT OF MALDON**

**GIVEN BY SAMUEL TOWNEND KC, VICE-CHAIR OF THE BAR**

1. In the absence of Nick Vineall KC, who sends his apologies, it falls to me as Vice-Chair of the Bar of England and Wales to speak for the profession today.
2. The Bar has very mixed feelings on your retirement. We are glad that we have had the benefit of having you at the helm at all. We are fortunate that “the Chief” or even “the Chieftan”, as you are referred to with affection by parts of the Bar, was in post during what may fairly be described as two of the greatest crises that have faced the Court system since the Second World War: the COVID pandemic, and the effective closure of the Crown Courts on the Bar’s action. We are profoundly grateful that the end of your time in office has come only after those crises have abated, even if a number of the problems that face the justice system highlighted by those events are not resolved. We are, however, reconciled that all good things must come to an end.
3. I never had the privilege of appearing before you, save on the occasion of the Swearing-In and Declaration of the Lord Chancellor, who I am delighted to hear is present today remotely. However, I have endeavoured to speak with many of those who have, including past and present leaders of Circuits and of the Bar. There are many common themes:
4. There were consistent remarks about your Lordship’s fairness and patience with counsel as well as, of course, sound judgment.
5. Anyone who appeared in front of you regularly would recognise that any submissions needed to get over your well-known ‘so what?’ test. This was, as I understand it, a gentle means of seeking to extract assistance from counsel as well as, if the question was not then met by a satisfactory response, an early indicator that the way in which counsel was putting the case may well not find favour with the Court.
6. Your courtesy and kindness to counsel, in particular junior counsel, are a noted feature. A habit, orally or by way of a nod, of thanking junior counsel for their preparation of the written argument and support towards oral submissions of leading counsel. A small thing, perhaps, but you recognised the value in it, and I can tell you that recipients of that favour very much recognise it too.
7. Your Lordship was always keen to engage with the Circuit Leaders and leaders of the Bar. When you did so you were warm and always in listening mode. There is a uniform view that you genuinely understood the Bar perspective, even where you had a delicate political line to tread.
8. There is a now legendary meeting between Circuit Leaders, the Lord Chief Justice and the President of the then Queen’s Bench Division on 4 March 2020 concerning the plan for the novel coronavirus then sweeping through Italy. It was, by report, this meeting that kicked off the most extraordinary and successful efforts, referred to by the Master of the Rolls and led by your Lordship, of the Judges, court staff and, I may say, the professions to keep the wheels of justice turning and our international high reputation intact. Attendees report not just the quality of the forward planning, but seared in their memory was the sight of the Lord Chief Justice at the end of the meeting not shaking hands but doing a sort of stage ‘jazz hands’ wave that the Circuit Leaders then awkwardly followed. I do not know if the President followed suit.
9. My Lord, the Master of the Rolls, and the Attorney General, have both spoken about your Lordship’s contribution to the development of the law, and I do not presume to tread there.
10. There is much else to refer to. Of course, since the Constitutional Reform Act 2005 and the accompanying Concordat, the role of Lord Chief Justice has been so much more than being the senior Judge in the land, but is coupled with what might be characterised as an almost impossible combination of the management of the Court Service, staff, judiciary, estate, relations with the profession, negotiation with Government over resources and political commitment, as well as being the defender of our system of justice and the Rule of Law.
11. So much of that work is done ‘behind the scenes’ and which may not be referred to. The Bar and the public has, however, had the benefit of regular insights into your thinking and actions in the speeches at the annual Mansion House Judges’ dinner and the frequent evidence sessions before the House of Lords Constitution Committee. And we are grateful for that.
12. Finally, it is hard to fully reflect in this address all of the contributions you have made as Lord Chief Justice but may I mention four more - your work to improve diversity in the senior judiciary, your work to combat judicial bullying, your work on judicial pensions and appointments, and a steadfast commitment to the London Legal Walk, even if, this year, you noted that your feet ached rather more than in previous years.
13. The Bar is very sorry to see you go, but glad for you to be able to rest those feet. While you are more than entitled to rest them for good, however, the Bar and, I daresay the country, take heart from your indication at last month’s House of Lords Constitution Committee that you will not stay off them for long and that you intend to play an active part in the proceedings of the House of Lords come the Autumn.
14. The Bar, therefore, joins the Master of the Rolls and the Attorney General in wishing you a well deserved and happy retirement from the Bench.