
Retirement Speech for Lord Justice Girvan & Coghlin

A few months after he was sworn into Office in 2009, the present Lord Chief Justice announced a significant change to judicial attire. From November of that year High Court Judges and Judges in the Court of Appeal hearing Civil matters would do so without the cover of judicial wigs. At the time of this change a number of us wondered whether the two other Court of Appeal Judges sitting to either side of him today had been the instigators of this change.

Irrespective of the motivation behind this change, the effect was dramatic. Since then visitors to our highest Court have marveled to discover that one was called to the Bar in 1970 and the other in 1971.

But it's not the roofing material that sets these two individuals apart, it is what dwells beneath the thatch that we have rightly come to pay tribute to today.

Sir Frederick Paul Girvan was born on 20th Oct 1948, son of Robert and Martha. He was educated at Belfast Royal Academy, Clare College, Cambridge, and Queen's University, Belfast. He was called to the Bar in Northern Ireland in the Michaelmas term of 1971. His Master was Fraser Elliot QC, who was then and remains one of our finest advocates and I recently asked Fraser what he thought of his pupil at that time. He said and I quote:

"My recollection is of a very able and industrious pupil of absolute integrity and independence of thought who quickly impressed me as a lawyer having a considerable ability likely over the years, as indeed proved to be the case, to demonstrate that he would become one of the most able practitioners of his generation at the Bar."

Sir Patrick Coghlin was born on 7th Nov 1945, son of James and Margaret. He was educated at Royal Belfast Academical Institution, Queen's University Belfast and Christ's College, Cambridge. He was called to the Bar of Northern Ireland in the Michaelmas Term in 1970. His Master was William (Liam) Staunton. I wish I could read out a tribute penned by William about his pupil. No doubt it would have been fulsome in praise but I cannot. William was appointed a Resident Magistrate in February, 1972. On the morning of 11th October, 1972, he stopped his car outside St Dominic's Convent Grammar School on the Falls Road. As his daughter and some school friends alighted from the vehicle, a motor cycle drew up alongside and the pillion passenger shot Mr Staunton. He was rushed to hospital and underwent emergency surgery. He did not regain consciousness and died on 25th January, 1973.

I dwell on this tragic event to highlight the fact that these two men to whom we are paying tribute today were called to the Bar of Northern Ireland at the very height of

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the Troubles when sectarian violence raged with an intensity that seems almost unimaginable now. Their careers at the Bar and subsequently on the Bench must be seen in this context. They are of a generation of Lawyers in this jurisdiction who without fear or favour and with courage and unwavering independence, provided the very best of advice and representation to all, irrespective of creed or political leanings and in doing so they were beacons of hope in our darkest days and they undoubtedly helped to ensure the preservation of the rule of law in a society which was so badly fractured at that time.

But things were not all doom and gloom in those days. Their careers at the Junior Bar flourished as was inevitably going to be the case having regard to their ability, industry and dedication. They were exceptionally busy and successful practitioners. But they still had time to pass on their knowledge, expertise and skills to others, in particular, their pupils.

Lord Justice Girvan's pupils were Iris McDowell; Nigel Dodds MP; Mr Justice Horner; Mark Orr QC; David McBrien, Eimer Cullen, Paul Lewis and John Thompson QC. I asked Mr Justice Horner what he had to say about his Master and he had the following to say:

"In a golden generation Paul Girvan was a towering figure, a brilliant barrister and a superb lawyer. I had the good fortune and great pleasure as his pupil of seeing Paul in action close up. Industrious, meticulously prepared, the most complex of problems solved by the application of the correct legal principles, but also dogged and determined in pursuit of his clients' interests, refusing to bow the knee before some grumpy judge who did not like the destination Paul's remorseless logic was driving him to. A shy man, principled and completely fair, he has wide interests extending far beyond the law and embracing amongst others: languages, literature, poetry and painting. I know I speak for all his pupils, some of whom have all too tragically passed away, when I say, Paul it was a privilege and a pleasure to have been your pupil."

Lord Justice Coghlin's pupils were Alan Blackburn, Marie McAllister, Margaret Walsh QC, His Honour Judge Patrick Lynch QC, Paddy Connolly and Glen Irwin.

I asked Paddy Connolly to tell me what it was like to have such an eminent Master and he had this to say:

"Pat was an excellent Master. He gave his time and expertise freely and was always very positive and supportive. He of course wanted things done properly but he was never over bearing or over critical. He had high standards which he has maintained on the Bench. I always found his advice most helpful and I tried to reciprocate by advising him several times not to take a job on the Bench as I could

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not understand why someone would want to undertake such an onerous task, especially at that time. But obviously he had a higher sense of duty than me and ignored my advice much to the benefit of the Northern Ireland legal system.

In addition to completing the rounded legal education of their various pupils, Girvan and Coghlin were all the while forging their careers and coming to increasing prominence at the Bar before moving seamlessly onto the Bench. The itinerary for a whistle stop tour of their careers would read as follows:

Girvan	Coghlin
<ul style="list-style-type: none"> • Junior Crown Counsel NI 1979-82. • Took Silk in 1983. • Appointed to the High Court Bench in 1995. • Appointed a Lord Justice of Appeal 8th January 2007 and Privy Counsellor in 2007. 	<ul style="list-style-type: none"> • Junior Crown Counsel for NI 1983-85. • Took Silk in 1985. • Chairman of the Bar Council 1991-93. • Senior Crown Counsel NI 1993-97. • Appointed to the High Court Bench 1997. • Appointed a Lord Justice of Appeal in 2008 and a Privy Councillor in 2009.

These are only a sample of the landmarks that help to map out the course of two illustrious careers at the Bar and Bench. In addition to their outstanding public service as Judges they have remained committed to the betterment of the profession from which they sprung and have selflessly given of their time, knowledge, experience and expertise to assist those now following them in this profession.

Girvan LJ has, for the past 4 years, led the Written Advocacy Module of the Advocacy Training Board's Pupil Training Programme. He has delivered the key note lecture on Skeleton Arguments and has judged the pupils presenting their submissions in mock Judicial Review applications in March of every year just as they are on the cusp of "graduating" from non-practising pupillage. He has very generously volunteered to continue to support the work of the Bar Council's Advocacy Training Board in the future. I take this opportunity to thank him for that commitment.

Coghlin LJ has, for many years, given generously of his time to sit on Executive Council and a number of its Committees including the Education Committee. I wish

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to put on the record my sincere appreciation for all his thoughtful advice and guidance from which I have benefitted greatly since taking up my role as Chairman.

It was often said in the past that "*behind every great man was a great woman*". Now in more politically correct times one has to say that "beside every great person there is a great spouse, civil partner, significant other or long-term domestic companion". Irrespective of how one phrases it, it is patently obvious that in the case of these two gentlemen, they have indeed been most fortunate in that throughout the course of their adult lives they have been able to rely on the love, support, encouragement, guidance and dedicated loyalty of two fine women present with us today. The same two gentlemen would, I am sure, be the first to declare that without the selfless efforts of these two women, they would not be where they are today.

Paul and Karen Girvan were married in 1974 and their children are here today.

Patrick and Patricia Coghlin were married in 1972 and they have four children, Jenny, Caroline, Richard and Sarah.

Peter Girvan and Richard Coghlin have followed in their fathers' footsteps and are both successful practitioners at the Northern Ireland Bar. The amount of paperwork present in that room is a testament to the success of their practices.

I asked Richard Coghlin if he would like me to place on the record a few words penned by him about his father and he gave me the following:

"Dad's chosen career was to be in a rock n roll band. I never saw him play as the band didn't survive the sixties. His fall back was rugby. I did see him play. As a fellow rugby player I could tell he was entirely fearless but not very able. Actually not a bad combination for a blind side wing forward. Law was the fall back to the fall back. Now as a fellow lawyer, I can tell he is entirely fearless and extremely able which seems to me the best combination of all for a lawyer."

I asked Peter Girvan what he would like to say about his father and he provided me with this:

"Such are the academic talents and humanity of my father he could have chosen any career. He chose to dedicate his professional life to the practice of law. The justice system of Northern Ireland has and will continue to reap considerable benefits as a result. At the end of my career, if I can say that I have achieved half as much as my father, I will have considered it an unqualified success."

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But as in all families, the final words should be given to the women and this is what they have to say about their husbands, after a combined total of 83 years of marriage.

Lady Coghlin provided me with the following:

“Patrick has been devoted to his job since the day of his call but we never begrudged him that devotion because it shaped our lives in many wonderful and memorable ways and because, especially in later years, it appears that his vast capacities for gentleness, patience and generosity were expended almost entirely on his family..... [rather than being inefficiently divided between work and home]”

Believe me, Lady Coghlin, there are some down here who would have been happy to have seen a little more even distribution of those capacities.

Lady Girvan had this to say:

“It has been a privilege to support Paul through his years at the Bar and his time on the Bench. He has never failed to volunteer his time or to apply his broad pallet of talents - whether that be to protect the judiciary, to represent Northern Ireland at international events or through his contributions to the Bar Societies. I thank his colleagues and the members of the Bar for their friendship and conviviality over the years.

As a family we are all immensely proud of Paul. Whilst we celebrate his professional career we recognise that his greatest challenge will be finding the time to pursue all of his many interests. It would surprise nobody if the best was still to come.”

Lady Coghlin, Lady Girvan. All of us in this Court room are in your debt. In recognition of the invaluable contributions you have made to your husbands' careers and as a token of our gratitude to you, on behalf of the Bar of Northern Ireland and the Law Society of Northern Ireland, we would wish to present you both with some flowers.

We have heard from those closest to these two gentlemen, I think it's now time to hear from them but before we do and recognising I have gone on for far too long I would beg your indulgence a little longer. We have been reminded by others of the important and significant cases they have heard during their illustrious judicial careers but I would wish to refer to two judgments which to my mind epitomise the individuals we pay tribute to this morning.

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I quote the first two paragraphs of Girvan LJ's judgment in RA's Application delivered on 21st September, 2010.

*"Under our tents I'll play the eavesdropper
To hear if any mean to shrink from me"*

Shakespeare: Richard III v. 3

"It is unsurprising that amongst the malign characteristics Shakespeare attributes to Richard III in his entirely negative portrayal were those of an eavesdropper. In Shakespeare's time and to this day eavesdropping was and is regarded as an essentially objectionable invasion of the privacy which citizens are entitled to expect and a trespass upon the personal space of individuals who are entitled to be free from prying ears and eyes. The dangers to the integrity of society and of citizens' lives from eavesdropping or in its more modern guise state surveillance were amply demonstrated in the Fascist and totalitarian regimes of Europe whose egregious abuses of human rights formed the backdrop to the European Convention on Human Rights which was designed to prevent the re-emergence of such abuses. The horrors of the snooping society in Nazi Germany portrayed in Brecht in Fear and Misery in the Third Reich were with the advances in surveillance equipment replicated in an even more sophisticated manner in East Germany, a society in which a culture of all pervasive surveillance destroyed human relationships and degraded the lives of its citizens. The graphic portrayal of that system in the film The Lives of Others is a compelling argument, if one be needed, against unrestrained state surveillance.

Although objectionable in principle it must be recognised that on occasion a substantial benefit to society may be achieved by properly regulated surveillance. It may, for example, prevent loss of life or assist in the detection of crime or conduct genuinely damaging to the public good. The price of invading the privacy of individuals may, on occasions, be a price worth paying. Convention case law recognises this but clearly shows that adequate safeguards must be in place and that surveillance must be subject to a clear and foreseeable legal regime."

I will now quote from the final paragraph of the McClurg judgment delivered in this Court Room by Coghlin J as he then was on 29th June, 2007 (exactly 8 years' ago today) following a trial which involved 102 days of evidence.

"In drawing this judgement to a close I return to the issue of context and remind myself that the society that exists in this Province to-day is very different to that in which most citizens were compelled to live for more than 30 years. The current mood of vibrant optimism bears little or no comparison with the dark despairing days of the terrorist campaign. That such a mood now prevails is due in no small part to the quiet, dignified and dogged courage of ordinary men and women who were prepared to place themselves and often their families between anarchy and the Rule of Law. Heroism does not only happen in headlines. In so doing they

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found themselves experiencing a catalogue of horrors that in some cases caused emotional damage as real as that produced by bomb or bullet. For some, troubled by persistent flashbacks and intrusive thoughts, putting the past behind them may not be a realistic option without having to undergo prolonged and distressing treatment. In opening this case on behalf of the plaintiffs Mr Irwin QC explained that they were seeking an acknowledgement of the damage that had been sustained and compensation for those in need of help. Whether compensation is obtained in any particular case will depend upon the individual circumstances in the light of the generic findings. However, no-one who heard the evidence in some of the lead cases could seriously doubt that individuals have been damaged whilst simply doing their duty.”

My Lords, I submit it would be difficult to find more impressive passages in any judgments in this jurisdiction or indeed in any other. I would further submit that the passages I have quoted embody the qualities of these two individuals to whom we rightly pay tribute to today. These two men, by virtue of their abilities, diligence, industry and excellent characters were highly successful at the Junior Bar and then at the Senior Bar. At the height of their success and earning capacity, they gave up such things and dedicated themselves to public service as High Court Judges and subsequently as Judges of the Court of Appeal and Privy Council. That degree of selfless dedication for the benefit of society is the epitome of all is good in our profession. Their outstanding personal qualities combined with selfless dedication to the public good deserves the highest recognition and it is why we are here in such great numbers to day.

My Lords, I conclude by expressing the sincere good wishes of all here today.