

Sir Henry Hodge

There was a hole in the wall by the photocopier in CPAG's Macklin Street offices. It was always said that Henry had kicked it in frustration at yet one more set of crumpled copies. I always saw it as a silent communion with his successors.

Henry was CPAG's solicitor for five years from 1972 until 1977. He established CPAG's test case strategy and took the first tranche of cases. He was, thus, at the frontier of opening up the use of judicial review. Because of this, many (but not all) of his cases were actually unsuccessful as he led the charge against a judiciary whose interest in the problems of the poor was initially minimal. But even his unsuccessful cases prepared the ground. Reference to one, in particular, *ex parte Moore and Shine*, became a litmus test of when you were going to win. Once Treasury counsel fell back on Lord Denning's judgment – mercifully soon overturned – that low levels of fairness could be tolerated in tribunals for social security claimants, you knew that the department's advocates were clutching at the last straw: they were going down.

Henry was tall, loud, warm, funny, committed and a very good lawyer. He brought a Balliol-trained mind to the task of working in a small voluntary sector organisation. He was part of a group – including Frank Field, Ruth Lister and Stuart Weir as staff and Peter Townsend and Garry Runciman as council members – that gave CPAG the platform to take on ministers and civil servants. Together, they outgunned their opposite numbers by quite a margin. Henry was a key part in that team: he developed the use of litigation both to change the law and to advance a political case. This has been a major part of CPAG's armoury ever since. An indication of his success was a statement of horror in a departmental document in the 1970s recommending the demise of discretionary decision making. It lamented that 'the courts were beginning to require the department to act not only legally but reasonably'. That alone would provide Henry with a good epitaph.

Henry left CPAG to start up a legal aid firm in Camden, while continuing to play different roles within campaigning organisations. He had a long-time association with the National Council for Civil Liberties. For the Legal Action Group, he wrote a seminal article in which he radically, and characteristically, revealed in



detail the finances of his firm and the difficulties of legal aid funding. A long-time member of the Labour Party, he married Margaret, who became leader of Islington Council, and then a government minister. His contacts in the Labour Party were extensive: Henry networked as to the manner born.

Characteristically, Henry got bored with private practice and being a solicitor. He had a bruising experience with legal democracy when he failed, unexpectedly, to gain election as the Law Society's president. He proved vulnerable to the 'red-neck' vote that portrayed him, somewhat ironically given his activist background, as the incarnation of the Establishment. So, he left practice to become the Chief Immigration Adjudicator in 2001. In due course, he ascended to the High Court Bench, picking up a knighthood, and then became President of the newly created Asylum and Immigration Tribunal. Henry was pretty strongly New Labour and correctly regarded as a safe pair of hands for a potentially contentious post. It is to his credit that there was little complaint that he got the job because of his wife's position.

Henry will be missed by a wide circle of his friends and acquaintances. A number of fellow, and now elderly, motorcyclists will mourn his passing – as will others through wide areas of the law. CPAG has good cause to give thanks for his contribution. He set a high standard for those who followed. ■

Roger Smith, Director, JUSTICE

Sir Henry Hodge
12 January 1944 – 18 June 2009