

HAROLD ARTHUR JOHN FORD

It is widely believed that the legal profession is a self-perpetuating dynastic inheritance, being handed down eternally from father to son to the exclusion of all others, producing along the way a harvest of judges of overwhelming presence, barristers of unimaginable intellectual accomplishment, Prime Ministers of unparalleled prestige and ancient and powerful firms of solicitors who control everything. Illustrations of these phenomena can indeed be found, and they do much to preserve the other traditional suspicion that becoming a lawyer is like learning to speak Chinese: to do the job properly it is wise to choose the right parents. Also, by contrast with newspaper proprietors and your average millionaire, lawyers are not in the habit of asserting the virtues of being a self-made man or, as the case may nowadays be, woman. Hence it is not generally realized how many good lawyers come from non-legal backgrounds and take the profession up more or less by chance.

Hence also it may not readily occur to the uninformed that Harold Ford is not only an outstanding lawyer and scholar but that he owes none of this to family tradition or to any personal ambition to enter the law. Ruth Campbell's *History of the Melbourne Law School 1857-1973* reveals that Harold Ford was the son of a Coburg carpenter and joiner who as a teenager was taken with the idea of going to sea. He turned from that to the less glamorous but possibly more practical occupation of lawyer at the suggestion of a schoolmaster who had been asked by a firm of solicitors to recommend an articled clerk. It says something of the quality of the man that even at the uncertain age of sixteen, when most of us are not open to advice unless it is manifestly bad, particularly if it comes from someone in authority, he was able not only to listen carefully to a suggestion remote from his inclinations but to accept it and even act upon it. The mid-thirties were perhaps not the best time to be a young man leaving University High School, following on West Coburg State School, without influential connections, but it seems unlikely that someone of such inherently thoughtful and reflective temperament would have considered his alternatives any less seriously even in a climate of prosperity and full employment.

Self-denial was in this instance rewarded quite quickly and appropriately, for early in 1939 Harold Ford discovered the existence of the Naval Reserve. He promptly volunteered, was called up when war broke out later that year and served in the Royal Australian Navy until 1946, ultimately attaining the RANR rank of Lieutenant-Commander. By this time he had managed, owing partly to special provision for servicemen, to complete the articled clerk stage of his career. He then spent a full-time year at this Law School completing the additional subjects needed for the LL.B. degree. This was followed by a year in a solicitor's practice during which he contemplated the Bar but decided against it on the sound practical ground

that he lacked both the money and the connections to survive the initial risk of starvation. So far as staying in practice as a solicitor was concerned he was influenced by a factor which causes a number of budding lawyers to become academics instead: the opportunities offered by the academic life for following things through to a conclusion unconstrained by the practitioner's responsibility to place his client's interests before his own intellectual curiosity.

Thus began, to the profit of all of us, a distinguished and productive scholarly career. We trust that it is far from over notwithstanding Harold's retirement from the University of Melbourne at the end of 1984. His first appointment was in 1949 as a Senior Lecturer in law. He proceeded thereafter to a Readership in 1958, the Robert Garran Chair of Law at the Australian National University in 1960 and finally the Chair of Commercial Law in Melbourne again in 1962. In the course of this progress Harold completed his formal education with an S.J.D. at Harvard in 1957, the thesis for which became his first major publication when it appeared in book form as *Unincorporated Non-profit Associations* in 1959.

The influence of Harvard quickly became apparent with the appearance, also in 1959, of *Cases on Trusts*, now in its fifth edition. This was a highly skilled application of the celebrated case method. This mode of teaching has never really caught on in Australia, partly no doubt for cultural reasons but mainly because few of its aspiring practitioners have properly understood its techniques and aims. Harold Ford has been an outstanding exception. His total grasp of his material and his clear, methodical and encouraging manner of exposition, always leavened with a quiet wit, have justly earned him a very high reputation as a teacher. Each of the 1959 books was a first rate work of pioneering scholarship.

Since then much more has followed in the equity and business law fields, distinguished always by thoroughness, precision and a balanced presentation of the relation between the general and the particular. Special mention should be made of *Principles of Death Duty Law* and *Principles of Company Law*, now in its third edition and triumphantly surviving the complexities of the massive new companies and securities legislation. In addition to his books Harold Ford has also made major contributions to both the theory and the practice of the law by his numerous law review articles and his service on such bodies as the Bills of Exchange Act Committee of 1963, the task force on a national Companies Bill in 1974 and 1975 and his current Chairmanship of the Companies and Securities Law Review Committee, which has the major responsibility for making recommendations to the Ministerial Council for amendments to the companies and associated codes. In addition to all this, Harold's public-spirited work as a Rotarian led to his election as the President of the Rotary Club of Melbourne 1982-83. He served also as Dean of the Faculty of Law in the University of Melbourne in 1964 and in 1967-73.

If his colleagues during any of the thirty-six almost uninterrupted years that Harold Ford has been a staff member of this Law School were asked what is his single most outstanding quality, I believe that with one voice they would reply: fairmindedness. No doubt they would immediately follow up with mention of modesty, hard work, good humour, personal kindness and encouragement of the

young. But ultimately there can be no greater commendation of a lawyer than that he be remembered by those who know him above all for being fair. We wish both Harold and his charming and gentle wife Gwenda every happiness in his retirement. It will surely be no more than a minor adjustment of his working habits. Nevertheless perhaps I may be permitted in parting to take advantage of Harold's famous mastery of the appalling pun and observe that we can ill afford the loss.

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