

## **Peter Balmford: Academic, Lawyer and Monash University Law Review Contributor**

Peter Balmford was a notable and influential figure in the Monash University Law School for nearly three decades – as Senior Lecturer, Moot Master, Fellow of the Faculty and, more recently until his death, Honorary Associate. Peter was a great contributor to the Faculty and to the *Monash University Law Review*.

Peter came to academia from many years in the practice of law. After service in the Royal Australian Air Force during the Second World War, he undertook the study of law at the University of Melbourne, graduating with an LLB in 1949 and later an LL.M. Admitted as a barrister and solicitor of the Supreme Court of Victoria in 1950 and an Attorney, Solicitor and Proctor of the Supreme Court of New South Wales two years later, he practised law for a considerable part of his working life. From 1952 until 1977, he was partner of the Melbourne law firm Whiting and Byrne. He was a revered and respected member of the legal profession; his status as a 'very senior member of the legal profession' was noted by the Chief Justice, the judges and other personnel of the Supreme Court of Victoria in a tribute notice placed in 'The Age'.

Through his practising career, Peter, however, always retained a great interest in academic matters. He was a Senior Law Tutor at Trinity College at the University of Melbourne - from 1950 to 1962, he tutored in Law there. For two periods, he served as Acting Dean of the College, once in 1950-51 and later in 1959. He was a member of the Council of Trinity College for over a quarter of a century from 1962.

Peter loved books and learning; an example of his enthusiasm was recognised in the history of the Trinity College library:

In 1958 a Law Library was established by the Senior Law Tutor, Mr Peter Balmford, with an extensive range of Law Reports, most of which continue to be received by subscription through a bequest to the College by Mr Colin Caldwell in 1990.<sup>1</sup>

Peter's contributions later to the book review section of the *Monash University Law Review* also indicated this passion.<sup>2</sup>

His extensive knowledge of the practice of law was brought to the Monash Law School in 1977 when Peter was appointed Senior Lecturer by the Faculty of Law Monash University, then under the Deanship of Professor Gerard Nash. He

<sup>1</sup> 'A Brief History of the Library' (about the Leeper Library at Trinity College) Trinity College, the University of Melbourne <<http://www.trinity.unimelb.edu.au/library/history>> at 21 February 2005.

<sup>2</sup> See, eg, Peter Balmford, 'An Australian Democrat: The Life, Work and Consequences of Andrew Inglis Clark' (1997) 23 *Monash University Law Review* 479; Peter Balmford, 'A MacAdam and J Pyke: Judicial Reasoning and the Doctrine of Precedent in Australia' (1999) 25 *Monash University Law Review* 203.

lectured in the subject, The Lawyer, which is now entitled Lawyers, Ethics and Society. It was one of the first subjects in the Law School curriculum to cover the responsibilities, both professional and ethical, of legal practitioners. In addition, he taught Taxation and Legal History. In his lectures, he conveyed to his students his great enthusiasm, knowledge and love of his subjects.

In 1989, although Peter had reached the age for retirement, he embarked on another phase of contribution to the Faculty and undertook a new role when he was appointed Moot Master. He took over as Moot Master following the death of Emeritus Professor E K (Kingston) Braybrooke, who was Moot Master from 1983-89. Peter served in this office for nearly 10 years.

At that stage Moot Court was a subject all students were required to undertake as part of the curriculum of the Bachelor of Laws at Monash University. Peter prepared moot court manuals for use by students, acknowledging the contributions of his predecessors:

- the late William T Charles, sometime Judge in HM Overseas Judiciary and Moot Master 1966-75;
- Ian R Thompson, sometime Chief Justice of Nauru, Moot Master 1975-83; and
- the late Emeritus Professor E K Braybrooke, Moot Master 1983-89.<sup>3</sup>

Peter was later ably assisted in his duties as Moot Master by Stan Hogg, former judge of the County Court of Victoria, and Charles Jacobs, former Master of the Supreme Court of Victoria. Peter's imposing stature, his command of the English language and easy communication with students made him a wonderful Moot Master, with the perfect demeanour to conduct such a court and exhibiting the requisite qualities of majesty and courtesy.

Peter ran an efficient and well-organised mooting programme for the law students. In addition to writing the Moot Court Manuals,<sup>4</sup> he provided a wealth of meticulously prepared mooting problems and wrote a chapter on mooting for students in a book published by Butterworths.<sup>5</sup>

Peter undoubtedly left his own personal stamp on the mooting manuals. Reading them now, one can hear Peter speaking. Many an advocate could benefit today from his words of mooting wisdom contained in the manual. The following passage provided some encouragement to the nervous mooter:

It is a great advantage to any person to be able to speak fluently and convincingly. Some students have acquired this skill through such activities as school or university debating or other attempts at public speaking – activities

<sup>3</sup> Emeritus Prof Braybrooke was formerly inter alia Foundation Professor of Legal Studies, La Trobe University, and Barrister and Solicitor in New Zealand and Western Australia. A Tribute to him, 'Emeritus Professor E K Braybrooke: In Memoriam' written by Professor C R Williams can be found at (1989) 15 *Monash University Law Review* 1.

<sup>4</sup> See, eg, *Moot Court Manual*, Faculty of Law Monash University, 1996, prepared by Peter Balmford. There were other editions, eg, 1991 and 1993. Peter acknowledged the contributions of the previous Moot Masters Charles, Thompson and Braybrooke.

<sup>5</sup> E Kingston Braybrooke and Peter Balmford, 'Moot Court' in Richard Krever, *Mastering Legal Studies and Law Exam Techniques* (3rd ed, 1995).

much to be commended to all aspiring lawyers. Others develop some skills by participating in the voluntary moot programs conducted by the Law Students' Society in the early part of the year. But for many the moot is their first experience of speaking 'in public'. It is always gratifying to hear a student, who has put up a good performance, say afterwards 'I didn't know I could do it!' For those students, the moot program has justified itself in giving them the opportunity to display capacities previously unsuspected, and in boosting their confidence in undertaking one of the important tasks of lawyers. But even those who do not do so well, but scramble through their prepared argument with a script from which they are afraid to depart, may 'come alive' when being questioned by the judge, and discover that they, too, have some capacities they did not know they possessed.<sup>6</sup>

Such understanding and practical assistance was an attribute which was much appreciated by both students and colleagues. Ian H Gibson, in his acknowledgements for his LLM minor thesis entitled 'Fundraising Appeals Act 1984', set out his gratitude 'to Mr Peter Balmford, whose supervision was always patient, understanding and constructive'. Peter acted as supervisor of many theses.

In 1997, when the Moot Court program was discontinued, Peter was appointed Fellow of the Faculty and, more recently, following a change in nomenclature for the same position, he was appointed Honorary Associate, a position he held until he died in January this year. He continued to maintain his research interests in the area of courts, the legal profession and legal history. One of his continuing projects was on the history of the Supreme Court of Victoria. He acted as referee, as he had done before, for the *Monash University Law Review* – he was a fair but exacting referee, especially on points of grammar and legal accuracy, and gave generously of his time and expertise to the Law Review, for which the Law Review was always grateful.

Interested always in historical and legal matters, Peter, together with (now Professor) Richard Fox, initiated the establishment of a collection of photographs of each of the judges of the High Court of Australia and installed this collection in the Law Library at Monash. It is, according to the Dean, Professor Arie Freiberg, 'unique outside the High Court itself'.<sup>7</sup> The collection contains a photograph of each judge plus a summary of his or her career.

Peter was indeed a true scholar, and his interest in history and legal education was evident in his research and scholarship, for example in his article on the history of the Monash Law School. This article was commissioned for the special anniversary edition of the *Monash University Law Review*, edited by (now Professors) HP Lee and Marilyn Pittard as staff editors and Kate Barrett and David Kreltzhaim as student editors, commemorating the silver anniversary of the Monash Law School. Peter's article, 'The Foundation of the Monash Law

<sup>6</sup> *Moot Court Manual*, prepared by Peter Balmford, Faculty of Law Monash University, 1996, chapter one.

<sup>7</sup> Faculty of Law, notice to colleagues, 19 January 2005.

School',<sup>8</sup> has been an invaluable record of the philosophy and origins of our Law School, and as a source of information, especially in the celebrations last year of the Faculty's 40th anniversary.

The contributions Peter made about distinguished identities to the *Oxford Dictionary of National Biography* published by Oxford University Press are highly significant.<sup>9</sup> They cover Sir William a'Beckett (1806-69), Sir Redmond Barry (1813-80), Sir Frank Gavan Duffy (1852-1936), Barron Field (1786-1846), Sir Isaac Alfred Isaacs (1855-1948) and Sir George Stephen (1794-1879). Peter's views and research on many different aspects of legal education were also published.<sup>10</sup>

Peter had many wide interests - including ornithology, medico-legal matters and the Eggleston Society. He combined his ornithological and legal interests in an article on 'Ornithology and the Law' published by the Victorian Ornithological Research Group.<sup>11</sup>

He was a model in matters collegial – always supporting the Faculty in its events, lectures, including the Wilfred Fullagar Memorial Lecture and the annual Lucinda Lecture; and attending graduations, the annual dinner of the *Monash University Law Review*, the dinner at the invitation of law students residing at Mannix College, and so on.

He was Chair of the Faculty Exclusion Committee for many years, and oversaw the annual review of academic progress of students, where he applied his rigorous but fair standards. He participated in Faculty administration in other areas too, including serving on the Faculty's Executive Committee.

Peter enthusiastically embraced all the facets of University life at Monash. He took a great interest in the Law Library, as well as the Humanities and Social Sciences Library. In his later years, he was a member of the 'Old Buffers' group who met regularly for lunch. He knew every aspect of the University campus and colleagues would be treated to excursions to its far flung corners – to view sections of the collapsed Westgate Bridge, to displays at the Rare Books section of the library, to observe the freshwater crocodile and special plants in flower in the extensive gardens. His excursions extended to organising visits to the campuses of other universities, to the legal precinct in the city, including the Supreme Court, and even to country Victoria for a once in a lifetime viewing of Halley's Comet. These excursions were carefully planned and generously executed, and his colleagues were delighted to share his finds and interests.

Peter's family also have connections with Monash University and the Law School. His wife Rosemary, the Hon Justice Balmford of the Victorian Supreme

<sup>8</sup> (1989) 15 *Monash University Law Review* 139.

<sup>9</sup> H C G Matthew and Brian Harrison (eds), *Oxford Dictionary of National Biography* (2004).

<sup>10</sup> These include Peter Balmford's following publications: 'The Role of the Law School in Legal Education' (1988) 62 *Law Institute Journal* 261; 'Changing Patterns in Enrolments in Victorian Law Schools and Their Consequences for the Profession' (1981) 55 *Law Institute Journal* 507; 'The Pursuit of Excellence - Supreme Court Prize Winners' (1984) 58 *Law Institute Journal* 226.

<sup>11</sup> (1979) 15 *VORG Notes* 64-79.

Court, was awarded an honorary degree, the Doctor of Laws, by Monash University, and the youngest of Peter's three children, Christopher, graduated in law from the University.

Peter possessed special personal qualities which inspired his colleagues and endeared him to them. Many remember the interest he took in his colleagues and their achievements, and the special interest in following up the next day of topics discussed – a book brought from his extensive home library, perhaps, for further elucidation. Peter was also appreciated by his Law School colleagues for 'his erudition, good humour, magnanimous spirit and collegial support'.<sup>12</sup> These characteristics shone through in his life beyond the Law School – Bishop James Grant quoted them in his homily at Peter's funeral service held at Trinity College Chapel on 24 January 2005.

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<sup>12</sup> 'The Age', tribute notice for Peter Balmford by the Faculty of Law, Monash University, 21 January 2005.

