

## SIR ROGER ORMROD

*Sir Roger Ormrod, PC, a Lord Justice of Appeal, 1974-82, died on January 6 aged 80. He was born on October 20, 1911.*

SIR Roger Ormrod had the unique distinction of being both a Lord Justice of Appeal and an FRCP, and throughout his life maintained close links with medicine as well as the law. Indeed his tall lean figure and characteristic walk, with quick short steps, were more akin to the popular conception of a busy consultant hurrying through the wards, than of a staid and stately judge. And there was a touch of the clinical diagnostician in his judgments, especially at first instance.

Ormrod had perhaps the most original mind of any of his contemporaries in the Court of Appeal, and he saw it as the function of the law to keep abreast of changing social and economic needs. To that extent he was a radical with a strong social conscience, intensely interested in people, and a shrewd judge of human nature. His mind worked with astonishing rapidity, and he was a fluent and rapid speaker.

On the Bench, when dealing with matrimonial cases, he often appeared impatient and intolerant of what he regarded as irrelevancies, but this was due to his profound knowledge of his subject, and to the speed and clarity with which he saw the nub of the problem. When sitting in other jurisdictions no-one could try a case with greater patience and courtesy.

Roger Fray Greenwood Ormrod was educated at Shrewsbury and The Queen's College, Oxford, of which he became an honorary fellow in 1966. Although he graduated in jurisprudence his father, a solicitor, disapproved of the Bar because of its uncertainty, and insisted on Ormrod following in the footsteps of his grandfather and uncle,

tant judgments in other fields during those seven years he was responsible, practically single-handed, for the development of family law following "no fault" divorce which had been introduced by the reforms of 1969 and 1970. Many of his decisions, and the philosophy behind them, were controversial. Ormrod ably defended his approach in the Holdsworth Club presidential address, which he delivered in 1980 under the title "Judges and the Processes of Judging". In a speech full of insights and displaying a more reflective mind than his critics had allowed him, he pointed out that the practical realities of life usually left the judge in the matrimonial jurisdiction with little room to manoeuvre.

"In the great majority of cases," he said, "the closer the investigation the clearer it becomes that the practicalities point to the mother as the parent who should have the care of the children; and, consequently the person who will need the house". And he went on to refer to one of his favourite dicta: "It takes three to commit adultery. I always ask what has the 'innocent' party done or failed to do?"

He also achieved the remarkable feat of virtually eliminating the backlog of

and becoming a doctor.

However, before he had qualified he accepted an offer from Edward Pearce, later Lord Pearce of Sweethaws, of a pupillage in his busy chambers in Fountain Court, where Ormrod stayed as a tenant until the outbreak of war in 1939. He then decided that he would be of more use as a doctor, and having completed his qualification joined the RAMC in 1942.

He served in Normandy and North-West Europe as DADMS 8th Corps, and, after the conclusion of hostilities with Germany, in India. After demobilisation in 1945 with the rank of major he returned to Fountain Court and soon acquired a large divorce practice, although he was often engaged in medical negligence cases. He took Silk in 1958, but was never given the opportunity of reaching the first rank, since he was appointed a judge of the Probate, Divorce and Admiralty Division in 1961.

In 1974 Ormrod was appointed, from what had by then become the Family Division, to the Court of Appeal. From 1975 he sat regularly in the division of the Court which heard appeals from the Family Division and Divorce County Courts, presiding in that division from 1979 until his retirement.

Although he gave impor-

tant cases awaiting a hearing in his list in the Court of Appeal. He had sat on a number of controversial cases, including the April Ashley sex-change case in which he declared her marriage void on the grounds that an individual's sex was fixed at birth and could not be changed. He again came into the public eye as one of three judges who agreed with a wife that sex once a week for her husband was enough.

Despite a heavy burden of judicial work Ormrod was involved in many extra-mural activities. In 1968 he was chairman of the Lord Chancellor's committee on legal education. He was a governor of Barts, and the Maudsley and Bethlem Royal Hospitals, chairman of the Institute of Psychiatry, and an honorary professor of legal ethics at Birmingham University. By 1982 he had concluded that he could not discharge his duties in the Court of Appeal as well as continue his numerous other activities. It is perhaps significant that he decided to retire from the Bench, although he continued to sit part-time in the Court of Appeal, rather than sever his connections with the worlds of medicine and social work.

In 1938 he married Anne Lush, a magistrate and marriage guidance counsellor.

