

## Academics and Practitioners Common Occupants of Interplanetary Craft

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Master Reader: Good evening. Right I've made it work. The title of tonight's lecture is 'Academics and Practitioners Common Occupants of Interplanetary Craft'. Now, those of you of a certain age may have some idea where that comes from. But calling occupants of interplanetary craft is the title of a well-known song, released, most famously by The Carpenters in 1977.

What is perhaps less well known, is that it is the recognised anthem of World Contact Day. You may ask what is World Contact Day?

In March 1953 an organisation known as The International Flying Saucer Bureau, sent a bulletin to all its members urging them to participate in an experiment termed 'World Contact Day'. Whereby at a predetermined date and time they would attempt collectively to send, I suspect since it was American they would be too collectively sending, out a telepathic message to visitors from outer space. The message began with the words "Calling Occupants of Interplanetary Craft."

Many may feel that the relationship between academics and practitioners falls into this form of distant, if non-existent cohabitation. The perception is that practitioners do, and academics think, and neither does the other.

Well done Master Crown. That will be a forfeit later.

Our lecture tonight is Dr. Solanke, who is going to explore the universe of the legal profession as a whole, and the ways in which academics and practitioners are interacting and could profitably interact in the future.

Dr. Solanke is an academic Fellow of the Inner Temple, one of the academics with whom we work closely to forge a fruitful relationship, both with the universities and with potential Bar students.

She is currently a Senior Lecturer at Leeds University Law School, where she teaches European Union Law, Discrimination Law and Competition Law. She completed her doctorate at the LSE, where she was also a Teaching Fellow at the LSE's European Institute. She has been a, I'm not quite sure whether it's Gene Monnet or Jan Monnet. Jean Monnet Fellow at the University of Michigan Law School and a Visiting Professor at Wake Forest University Law School.

She is I'm told currently writing a textbook on EU Law and organising an international research collaboration on racism, colonialism and law under the auspices of The Law and Society Association.

She has greatly inconvenienced herself by coming here tonight, by flying back from Florence. Which seems to be above and beyond the call of duty, but we are most grateful to her for doing so. Dr Solanke.

Dr. Solanke: Thank you.

(Applause)

Well I should perhaps begin by saying it wasn't at all an inconvenience to fly back from Florence to be here. I would like to thank you very much for the invitation to present this distinguished lecture. And of course to thank all of you students for staying behind for what I believe has been quite a long day already, to hear this oddly titled lecture.

I will begin by explaining my title and how I came to it. And then I will try to give you some definitions of what I mean by common occupants of interplanetary craft and then, there seems to be a gremlin. And then I will explore this idea of academics and practitioners being common occupants of this interplanetary craft.

But first perhaps I should explain the title. As you see on the slide, I've posited it as a question and an answer. The original, the theme for this series of lectures is 'Academics and Practitioners Friends or Foes?' Now my instinctive response to that question was actually it goes beyond friendship or enmity, we are in fact on different planets.

So the idea of 'Calling occupants of interplanetary craft' immediately sprang into my mind and as has already been said, this is the title of a song by the Carpenters.

So in my mind we were not even, as academics and practitioners, from the same planet. And of course you as practitioners were the aliens.

However I thought better of it and in thinking better of it I revised the title slightly, so that it became 'Common occupants of interplanetary craft' but I also thought that I should reflect upon why perhaps I had this idea, of this alienation between academics and practitioners.

Well it might firstly be because as a legal academic, my focus is on socio legal studies. So for me doctrine is the starting point of my research. I look beyond the letter of the law to explore the relationship between law and society. And as a result I spend most of my time, in the past few years I have spent most of my time, with social policy makers and civil society rather than practitioners, as I'm interested in the impact of the law in society.

However since I have become an academic Fellow I'm glad to say that this has changed. And I have had more interaction with practitioners at all levels and I must say it's been quite happy.

A second reason that I think I had thought about this alienation between academics and practitioners, is an exercise that all academic institutions are subjected to every four or five years. And this I think, academic exercise has contributed to a reduced presence of practitioners in academia.

I'm talking of course about the Research Excellence Framework formally known as the Research Assessment Exercise. Which is an evaluative process, conducted every four or five years by the Government to determine how much money it will give to every higher education institution to conduct research.

Now in order to boost our standing in this exercise, academic departments, including Schools of Law, have to produce research outputs. As a consequence the focus in most of our Schools of Law is on persons who write articles in Journals. The better those articles the higher the ranking, the more money we will receive as a result of this exercise.

This means of course that we are less likely to employ practitioners, as writing scholarly articles is not the focus of practitioners. As a

consequence, there has been an increase in, well I would argue that this has increased the alienation between academics and practitioners, as there is a decrease in presence of academics in our Law Schools.

However as I mentioned, reflecting upon my more recent experience, led to a revision of my original title 'Calling occupants of interplanetary craft' and it became 'Common occupants of interplanetary craft'. And in the next forty or so minutes I will try to explain why it is that I think academics and practitioners do have something in common. However I will also highlight some differences.

So, now the fun begins.

You are no doubt wondering what is meant by interplanetary craft. Many people have asked me what I am actually going to talk about and this is where you will receive your answer.

You might think that I plan to talk about an inter-galactic spaceship, carrying practitioners and academics off to the stars together. That is sadly not the case, although you will see some planets during my presentation.

Interplanetary craft has two meanings. The first meaning refers to the role, as I see it, of the advocate. Under this first meaning, craft is to be understood as a skill and interplanetary as something extraordinary. Put together therefore, an interplanetary craft means an exceptional skill. An ability that is in no way ordinary. This is how I see the role of the practitioner. A professional advocate of the law. I think that this craft is an interplanetary craft. According to Lord Neuberger a good skilled advocate is someone who

performs this role, to further the client's interest, the public interest and hence a commitment to the rule of law.

He says they never use a long word where a short one will do. They remove words where they are unnecessary and prepare their submissions well. It is a role that calls for a particular set of skills and of some special skills, such as a combination that includes writing and public speaking, performance and persuasion.

Writing, public speaking, performance and persuasion, that really doesn't sound particularly extraordinary. I mean I could perhaps argue that I do that when I give my lectures. It could also be argued that actors do this. The crucial difference, in my opinion, is that in contrast to actors practitioners write their own scripts in the knowledge that the real lives of strangers depend upon their presentations, thus the stakes are somewhat higher.

To be a good advocate for strangers is to exercise a function key for the proper operation of the law. Crucially, practitioners must take on this role regardless of the persons or the characters they are called upon to represent. According to one leading lawyer, it's not in fact for the legal practitioner to judge the moral worth of an individual suit. The duty of the law is to represent the client and not himself or herself. The skill of the lawyer is put at the service of the client to ensure ultimately, that the client's legal rights are fully and properly presented and protected and that a fair trial results.

Individuals no matter how immoral, how unpopular or how apparently guilty, have a right to legal representation. This is for me another extraordinary aspect of this craft. To set aside and suspend moral judgement and staunchly defend the interests and rights of those who may have committed horrendous crimes, to keep the confidences of those whose behaviour one may find

abhorrent and to do this on a daily basis, that seems quite extraordinary.

But I suppose this is the job at the heart of the vocation. To suspend self, and to be the voice of any needy client before Judge and Jury. Like an actor, but not an actor, those called to this vocation practice an interplanetary craft.

Now you may ask yourself what has this got to do with academics. We do not practice this craft and despite the introduction of fees, we do not have clients whose interests we represent. We do not serve in the administration of justice as practitioners do.

Universities are not the third branch of government. We are not a pillar of the state, although I like to think that in our mission of education, we do also serve the public interest.

Our craft is perhaps the opposite of the practitioners. Our objective is not to convince that we are right, although of course it's always nice to be so. But as an academic it is also to think that we might be mistaken. We also operate in very different spaces. The arena of the academic is the public space of science rather than the public space of a court.

Again academics have an advantage here. In the public fora of science, even when an academic is wrong, we can win. I discovered a wonderful example of this via a documentary on the history of electricity. Imagine the everyday battery is the consequence of a quite fierce debate between two eminent Italian scientists on the source of electricity.

In Italy, in the late 1700s and early 1800s, two professors made some interesting discoveries. Luigi Galvani discovered that the muscles of a dead frog would twitch when it was placed near an

electrical machine. He conducted experiments to try to explain why the frog, the dead frog, appeared to jump. Galvani thought that the frog's nerves contained electricity.

Another scientist Alessandro Volta, was interested in Galvani's experiments, but thought that the electricity came from the metal of Galvani's tools, such as his steel knife or the metal table. So that the knife, the metals were acting as conductors.

In pursuit of this debate Volta eventually invented the voltaic pile, now called the battery. What he did was to make a stack of disks of zinc, acid and salt paper and copper, and this then acted as a transmission of electricity. As a result of this discovery the volt, that is now part of everyday language was named after Volta.

Without the difference of opinion between Galvani and Volta, on this existence of animal electricity, the idea of volts would not have emerged and the battery might not exist.

Thus as an academic, even if we contribute to the development of a particular field, then the discipline gains from our errors, and we can win even if we are wrong.

It seems to me that the same cannot be said for the practitioner. You either win or lose. What therefore could we academics have in common with practitioners? Again ours would seem to be a very different craft. Indeed you may ask yourself, having completed the academic part of your training, do academics have a craft? What do academics do? Good question.

I used to think that I was a researcher who teaches, and then I thought I was a teacher who conducts research. Now I've decided that I am a trader in curiosity. I am in the privileged position of being able to pursue my own curiosity, through my research

agenda, and share it to an extent, through teaching with students in an attempt to stir their curiosity.

If I do this well then their curiosity can in turn again stir my own curiosity and so we set up a virtuous cycle where we learn from each other.

What do I mean by curiosity? Well some scholars define it as the recognition and pursuit of novel and challenging opportunities. Others define it as a desire to know, to see or to experience, that motivates exploratory behaviour. Some others still define it as simply an appetite for knowledge, similar to the appetites of hunger and thirst. If I kindle any of these types of curiosities in my students I think that I am doing a good job.

At heart I think that this is the craft of an academic. Not to advocate for a particular perspective, even though we clearly have our own points of view. But to promote curiosity about all perspectives and to encourage students to question, to ask why and think about how. Our task is to propose, rather than impose particular points of view.

However, this still doesn't bring us any closer to an explanation of why practitioners and academics are common occupants of an interplanetary craft.

To get to this we must turn to my second meaning of that phrase. Under this second conception, interplanetary again refers to something exceptional. But this time craft refers to a vehicle. The second meaning therefore refers to an extraordinary vehicle.

I would contend that legal academics and practitioners have in common the fact that our professional lives are spent travelling on

this special craft, although we perform different tasks within this craft.

This special craft, if you haven't already guessed, wherein we make contact, on World Contact Day, is the law itself. We are common occupants of this interplanetary craft. And law is extraordinary, because of the role legal ideas play in the construction and organisation of society. Which as I said at the beginning, is the focus of my research.

You are no doubt aware that the role of law in society has increased over the last decades and that legal norms have arguably displaced politics as the language of power, to become a normalising force.

The rise of human rights as values for a Godless age has contributed to this trend. Thus law and legal services can never be on a par with professional services in general. There is still a difference between lawyers, plumbers, doctors and accountants. We speak of a rule of law not a rule of plumbing, medicine or accountancy. These latter services may be crucial to everyday life but they are not activities on which the state is founded.

And in case anybody is wondering, neither academics nor practitioners drive this vehicle, it is driven by those seeking justice.

As I mentioned a moment ago, whilst we may not inhabit the same vehicle, whilst we may inhabit the same vehicle of the law, we do conduct the same tasks. I suggest, and I would be very interested to hear your views on this, that our perspectives are actually dialectically opposed.

The task of practitioners is to resolve disputes arising from a breakdown of relations. The task begins with an identification of

the salient points of law and clear succinct presentation of these, in a court of law for consideration, to help the decision maker, Judge or Jury to come to a finding. The practitioner then has the task of explaining the court decision to the client.

The task of the legal academic often begins with an examination and explanation of the court decision. This explanation is rarely limited to single case. Academics will expand upon points of law by setting them within some kind of context. Whether it be doctrinal, empirical, historical or even international. In so doing we may offer a critique of present decisions and perhaps a prediction of future directions.

The immediate audience for our explanations are students. Those who may in fact go on to become practitioners of the future. Thus I think practitioners tend to look at things in isolation. A case is a series of legal points to be won. The focus is not on the bigger picture. That bigger picture is the target of the academic. This means that as common occupants, our ways of seeing are complementary.

The academic breadth of vision sets the practitioner focus in a wider tapestry. The points drummed home by practitioners provide grist for academic ruminations. I would be very interested to hear your opinions on that depiction.

In a sense this division of labour between the practitioner and the academic is similar to that between the Judge and the Advocate General in the European Court of Justice. As was mentioned, I teach European Union Law, which some of you may unfortunately have somewhat negative memories of.

Little is known about the Advocate General, many of whom are also academics or practitioners. There is no national equivalent to these eight officers of the EU Court, but they have always been members of the Court of Justice and have in fact been the source of some key concepts in European Union law. Such as, for example, the idea that Union citizenship should be the fundamental status for all nationals of the Member States, and that the principle of equal treatment should apply to Union citizens.

They are full members of the European Court, but they do not decide cases. They propose to Judges the way in which cases should be resolved. According to the Treaty, they assist the court. And they do this by providing an opinion which addresses the questions arising in the case, but may also address broader questions.

Now I use this analogy simply to highlight that like the Advocate General, the academic does in fact enjoy a large amount of autonomy. But I won't try to push the comparison too far. Obviously academics are not members of any court, unless they too are practitioners and sadly as it may be, our observations and opinions are less likely to be influential on practitioners.

Nonetheless I like to think that our work, in some way does help practitioners, through looking at issues and decisions in different ways and thus suggesting alternative ways of seeing that may aid the delivery of justice.

As practitioners may become more specialised at earlier stages of their careers, this interaction with academics may become even more important. But given the constraints that I outlined earlier on academia created by the Research Excellence Framework, how can this interaction be achieved?

Well there are some Chambers such as Matrix and Doughty Street, that have already taken steps to facilitate closer interaction with academia. They have included academics as full members which allows academics to act as full participants on cases.

The Inns have also reached out to academia. As was mentioned I stand here before you as an Academic Fellow of the Inner Temple. The scheme was introduced in 2010 and I hope will continue to go strong. Such initiatives may become more important in the future.

But likewise academia can reach out to practitioners in ways that go beyond teaching in Schools of Law. Practitioners can also be included in research agendas. An example of this is the seminar that my School of Law is organising, together with Matrix Chambers on the experiences of Black Union residents and citizens of policing in the European Union.

Now although we do have our separate tasks, this does not mean that we do not think about the law in somewhat similar ways. The division of labour that I've outlined does not preclude common expectations and opinions. I was reminded of this during some recent empirical research that academics and practitioners do have some common expectations.

Last summer I decided that I wanted to do some research on separate opinions. There is a lot said about separate opinions, dissent and comparing opinions, and their impact on trust in the judiciary and on judicial authority. Either they are lorded as good and useful or alternatively decried as a waste of time. But there is little or no empirical evidence to support either side of these arguments. I therefore set out to collect this.

With the help of a very capable research assistant in Leeds and my colleagues here at Inner Temple, I was able to interview a number of practitioners, a small number I should stress, of practitioners and academics. Despite the limited size of the sample, the results so far are interesting and I will share some of these with you now.

And they do suggest that academics and practitioners do have some common inclinations in relation to practice.

Before showing you the results I should add that I have expanded the notion of a practitioner somewhat here, to include those who operate the law. If law is the practice of considering the merits of a case and finding a way of resolving disputes, then both lawyers and Judges are practitioners, as the impartial and experienced minds of both groups are essential for this task.

So in my results I have presented the ideas both of, or the responses both of practitioners, of Judges, lawyers as well as academics.

So one of the first things I wanted to ask my respondents was the importance of transparency for trust in a court. So I asked whether the respondent had more trust in a court that agrees in public and disagrees in private, or agrees in public and disagrees in public?

As you can see, amongst the academics the majority had more trust in a court that would agree in public and disagree in public. And many of the respondents emphasised that they felt that the advantages were transparency and a clarity in understanding the decision.

Only one of my academic respondents was fairly ambivalent and said that they would trust the court per se.

Likewise amongst the Judges, the majority, eight, preferred to write separate opinions and felt that the public would trust a court, had more trust in a court that both agreed in public and disagreed in public.

And I've put some of the comments there for you. It requires courage to disagree in public. Disagreeing in public would force group deliberation. And in fact this deliberation can help unity within the court, because positions may move, may shift after an open debate. But again there are some Judges who were neutral on this question.

As for my lawyers, the majority there also agreed that it would be better for a court to agree in public and disagree in public.

I also asked whether separate opinions were useful and necessary in an increasingly complex world? As you see, the majority of the academics agreed that separate opinions were useful, as did the majority of Judges and all of the lawyers.

The majority of academics disagreed that separate opinions were necessary, as did the majority of Judges. So they're useful but not necessary. And again the lawyers also felt that this was the case. Separate opinions could be useful but shouldn't be compulsory.

This next question was a bit more involved. So I wanted to know what media academics and practitioners felt it would be appropriate for courts to use? So I asked whether, I asked where active Judges could express their opinions. I asked about the expression of opinion within the court, the judicial framework, and I asked about the expression of judicial opinion beyond the court framework.

So these were the responses in relation to the court decision, the separate opinion and an intra-court conversation.

Starting with the academics, most agreed that if a Judge had something to say, then that should become, something important to say rather, then that should become part of the decision. Separate opinions were also seen to be very important by academics and an intra-court conversation, i.e. a discussion between Judges in the corridors of the court etc. was also seen to be appropriate, by the majority of academics.

Judges on the other hand were a bit more equivocal in relation to the use of separate opinions. The majority said maybe. A separate opinion should only be used where it was seen as unavoidable but wasn't to become something that would be used automatically.

Likewise interestingly I thought, the lawyers were quite equivocal about the use of the separate opinion, and the use of the intra-court conversation.

Where it perhaps became more interesting was where I was asking about the use of academic fora. So not all academics felt that it was appropriate for Judges to express their opinion in an academic journal article. Fewer Judges agreed that that should be so. And the lawyers were also quite equivocal about the use of scholarly articles to express a judicial opinion. And remember I was asking here about active Judges, not retired Judges.

Likewise I thought the responses were interesting in relation to the public lecture. Most academics felt that this would be an appropriate forum but perhaps half were unsure. Most of the Judges interestingly, were against this forum. So a public lecture

would not be a space for an active Judge to express their opinion. And the lawyers were a bit more equivocal.

You'd probably expect the outcome on the bottom line, of course as academics we would want Judges to talk to us and so we would see the academic survey as an appropriate medium for the expression of judicial opinion. Whereas the Judges, well the Judges were more equivocal, the lawyers were perhaps a bit more supportive of this idea.

Where it got more interesting was when I asked about the use of more popular fora, such as an autobiography or a newspaper article, or a radio interview, or a blog or a television show. I could probably also have asked about Tweets and Facebook and all of these other social media that have recently become very popular.

The majority of academics, Judges and lawyers felt that an autobiography or a newspaper article would not be appropriate forum for a Judge, an active Judge remember, to express their opinion.

Some academics felt that, I'm sorry, some academics felt that it might be appropriate to use a radio interview or a blog or a television show. But as you can see the majority of practitioners absolutely rejected that idea. So it would not be appropriate for an active Judge to use either, to express their opinion either in a radio interview or on a blog or on a television show, even if it was 'Question Time'.

Now I am continuing this research and I would like to, as I said I have had very, these are just indicative results. So if that has piqued your curiosity and you would like to participate in this survey, then please let me know. That is my e-mail address,

please feel free to drop me a line and I will call you and we can go through these questions and some others.

Okay to come to a close. From our different ways of seeing, I think these results show that we do see, we do share some common expectations of judicial practices. But I suppose the thing that brings us closest together would be the goals that we pursue.

Do we have any common objectives? Well I think as I said earlier, law is a special craft because it is used to pursue justice. The Royal Courts of Justice are so called for a reason. And I assume, although I might be wrong, that practitioners and legal academics are ultimately committed to this bigger purpose of the law, i.e. its role in the delivery of justice, however this may be defined.

Either as a noun, where justice is seen as social or economic. Or as a verb, whereby justice is a process, a dynamic process of restoring relationships and bringing these relationships back into harmony.

So just in the last few moments of my talk pursuing this idea of justice as a verb. I want to suggest to you that indeed justice is a dynamic concept. If we adopt this dynamic idea of justice, we focus on actions, rather than outcomes, and we avoid debates about the exact nature of justice.

We might then decide that justice is above all, about right relationships, which ought to exist between individuals and institutions, rather than simply a thing or a product to be purchased and delivered to consumers, through courts.

Law in this active conception of justice would be a vehicle for putting relationships right. Justice therefore becomes the process of translating laws into action.

It is I would argue, ultimately this engagement in justice as restoration of relationships that ultimately brings academics and practitioners together, as common occupants of interplanetary craft. As both friendly friends but also sometimes friendly foes. We can and perhaps should be both. All polishing is indeed done by friction, thus some conflict is good.

Thus to conclude. We are fellow travellers in the special vehicle of law, that delivers a dynamic interaction known as justice, whereby relationships are put right. Joint occupancy of this craft is healthy. If in a democracy, as argued by Professor Alan Paterson, legal institutions are too important to be left to lawyers alone, the same must be true for the law itself. It is too important to be left to practitioners alone.

Thank you.

(Applause)

Male 1:

Thank you very much indeed. I'm not quite sure whether I'm a friend or a foe, but we'll work that out later. Speaking purely personally as an advocate, I quite like having dissenting judgements. It enables my losing clients to know that at least one person was on their side.

Those of you that came to the earlier lecture from Justice Heydon, will have heard his fairly trenchant views of why there should be dissenting judgements, indeed why it is an obligation of all Judges sitting in a Bench of more than one to give them. And certainly looking at the data that we were shown this evening, I think it does show a certain element of uncertainty amongst the judiciary as to how far they should dissent or not.

As always I'm now going to throw this open to discussion. I'm not limiting you to dissenting judgements. Anything that you wish to put to Dr. Solanke concerning one or other occupant of this craft would be more than welcome. Who would like to start the ball rolling?

Master Treasurer. It's his duty to start the ball rolling.

Master Treasurer: Dr Solanke do you have any view on those courts which positively prohibit dissent? Of which I think the European Court of Justice is a prime candidate. Where it is sometimes said that the result means that the judgements are anodyne compromises? And here the Court of Criminal Appeal, where dissent I think is not allowed in terms of the Criminal Justice Act. I think the argument there being that it's not good for the criminal to think that \*\*\*\* [0:44:10] the other two were of the opposite view?

Dr. Solanke: Thank you. Well, I think actually the question of separate opinions is more complicated than just the opinion itself. I think in order to determine whether a court should use dissenting opinions, we need to think about the role of the court in society.

If the court is to, if a court is to be part of a larger dialogue in a democracy, then of course it's more helpful for Judges to be able to give dissents and express their separate opinions, for both parties and wider society to be able to see and hear the wider debate that occurred between the justices.

If however the court is seen as a corporate court with a more limited role in society, then actually having separate opinions wouldn't necessarily enhance a wider dialogue.

Now, we must remember that in the United States dissenting opinions were not always the norm for the Supreme Court. In fact during the early days of that court, dissenting opinions were in fact prohibited, because the justices were concerned to create a legitimate voice for a court, which was in fact, had to establish itself in opposition to state courts.

So I don't have a yes or no answer for you. It's a difficult question, I don't think it can be answered by just thinking about separate opinions themselves. I think we need to think about the role of a court in society, in a democracy, in general. But yes you're absolutely right, the decisions of the Court of Justice are sometimes very difficult to explain. But their the Advocate General opinion helps.

Male 1: Come along. Yes, please. There should be a microphone somewhere. Yes, can you just pass it across. Thank you very much. It's coming. And hopefully when it gets there it will work.

Female 1: Thank you. I was wondering if any empirical research had been done using trying to track whether separate opinions or dissenting opinions have been cited in later arguments, judgements or in academic articles, to try and track how influential they have been?

Dr Solanke: Thank you. I'm not sure if there has been a specific project looking, a specific longitudinal project looking at the use of separate opinions, but is often the case. And this is one of the strongest arguments for the use of separate opinions. That yesterday's

dissent becomes today's majority. And it would probably be an interesting project to do, but it would have to focus on specific courts and specific issues over a specific period.

Male 1: Just building on that. To what extent do academics regard dissenting opinions as being the justification for articles reviewing the will of the majority?

Dr Solanke: Mm, well we obviously like them.

(Laughter)

We like them a lot. They give us interesting things to say and often give us an indication of how we can develop our arguments to be helpful to the law.

Male 1: You've all obviously had a very heavy day. Yes. Move the microphone forward, thank you very much.

Male 2: Given that the judgements of a court are so important to practitioners and to academics alike, why isn't that, or has your research revealed why it is that we do not want to see Judges giving their opinions in, whether it is in books or social media or any of the sort?

Dr Solanke: That's a very good question. I think part of it is due to a discomfort with the flexibility of these more recent forms of social media.

There is a lack of control over them and it's seen as being a medium which can undermine the authority of the judicial voice. That may change. I mean this is a very interesting question I think for you all, the majority of you seem a bit younger than me. And you might well be more used to the use of social media in everyday life, than I or the current members of the judiciary. And it might seem to you that a blog or a Tweet, is actually a safe mode of communication.

So it might be when you are in more senior positions you might see this very differently, simply because you've grown up more used, more familiar to the use of this media than others, who are slightly more mature.

Male 1: Older. Yes please. One at the back first. Hang on you're going to get a microphone because I'm afraid, the one thing the architects of this building didn't get right was the acoustics.

Male 3: First of all I would like to thank you for mentioning Italians. Michelangelo obviously, Leonardo, Volta, Enrico Fermi, **Lucio Medici [0:50:24]**. I like what you said about justice becoming a product to be delivered to consumers. And I think it's our duty to avoid that this happens. And more than a question, I would like to launch an idea. The idea of probably, seeing ourselves as the angel who upholds the justice for the rest of the population. So to see ourselves as those who uphold democracy. Because really having Parliament making laws and forbidding access to justice is really something that doesn't let democracy work. So I just wanted

to make a positive comment on what you've said about justice not becoming a product for consumers. Thank you.

Dr. Solanke: Just to reiterate I think that's a very important point, that justice doesn't just become a product for consumers and you know we're all aware of the Legal Services Act and the way in which it is opening up the profession. But I think we need to maintain our view of the fact that justice is more than just a service.

Male 1: Thank you. Can you move the microphone forward, it's coming forward, thank you very much.

Male 4: Dr. Solanke, I noticed that Master Christie was blushing when you mentioned actors, I can't imagine why. But do you think that judgements that quote from academic articles, and Judges, such as Horner and Major, you may not be aware of it, but it was about the first successful proprietary estoppel case in the House of Lords in a hundred years. Judgements that quote from academic articles and are referring to academic debate are likely to be better than other judgements?

Dr. Solanke: I can't say. I mean perhaps it helps, it depends how the quotation is used. If the quotation is used in a way that helps to elucidate the meaning and therefore to promote understanding of ideas expressed in the judgement, then yes it's helpful. But I don't think it's something that needs to be done on a functional basis. Use it where it's helpful otherwise.

Male 1: Anymore? Well I think on that note, you've all been very patient. I know you know that there's a drink behind here, once we finish, so I shall not detain you any longer, save to ask you all to thank Dr. Solanke for that very interesting overview into why we need academics.

And speaking personally in my area of the law, we use them a great deal now. I'm never quite sure whether it's as a support or as a leader. There is undoubtedly a much greater interface than there ever was between the profession and the academics and we're very grateful to you for the input we're getting from you, and for the encouragement we're getting to use your research as a tool for moving our work forward.

Thank you very much indeed.

Dr. Solanke: You're welcome.

(Applause)

Male 1: One final note, for those of you that need CPD points. You have got to sign the form down there and Master Treasurer and I will be coming to do it as well. Thank you all very much, drinks are through here.

END AUDIO