

PROFESSOR OF PRACTICE: A NOTE ON HOW TO MAKE THE ROLE WORK, AND HOW PRACTITIONERS AND ACADEMICS CAN WORK TOGETHER IN A BETTER WAY

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[A] INTRODUCTION

In October 2020 I was appointed the Visiting Professor of Practice for the Centre for Financial Law, Regulation and Compliance (FinReg) at the Institute of Advanced Legal Studies (IALS). The role was originally planned to be for a year, with an aim of appointing another practitioner the following year. Due to the pandemic, it was extended for a further year until September 2022. The following is a note on my thoughts about the role and how it can be used in other institutions.

The aim of the role is to bring a practitioner's perspective and practical experience into an academic setting. By doing so, to develop closer links between practitioners and academics. This is very much meant to be a two-way process and, even in the short time I have held the role, I have seen my understanding of academia increase, my appreciation of how academia can help my practice increase, and, I hope, how my experiences in practice help those in academia, both students and academics.

[B] THE ISSUE

The problem is a straightforward one, though not necessarily a simple one. Students study intensively in an academic setting until they have their qualifications. They then use that qualification to get into practice and then fall out of touch with academia. They might look at some work in practice, but they will not have a direct link. Any connection they have to a university is usually on the basis that they carry out a couple of talks to students, maybe undertake some mentorship, or to receive a number of good-natured pleas for funding from time to time. The engagement is rarely about academia and research.

Some lawyers engage in postgraduate degrees or diplomas during their practice, but rarely does this involve research or the exchange of their experience from practice. It is usually in an effort to learn more and expand the lawyer's knowledge of an area. It is an echo of their earlier interaction with academia rather than an evolution where they look at academia as an evolving source for their work and academia looks upon them as a resource of experience. The vast majority of those who undertake research appear to be destined for a career as an academic or do so before they practise in law.

This means that the link between active research during the early and mid-careers is lacking. There is often a larger amount of interaction at the very higher ends of the legal career. This might be through academic members of chambers or visiting lectureships. These are very useful links but very limited.

The Law Commission also forms a useful bridge. Encouraging consultations on pieces of its work, both through written materials and, more importantly, thorough seminars, which allows interactive exchanges.

Some academics try to bridge the gap through consultations. Indeed, that is how I was asked to carry out the role by taking part in Doctor Colin King's (IALS) research into the use of civil recovery under the Proceeds of Crime Act 2002. This sparked my interest in academia, a dormant feeling until then as I had not seen any opportunity to be involved outside being enrolled in a course of study.

[C] THE ROLE

As explained to me, the purpose of the Professor of Practice role at IALS is to promote the work of IALS, and academia in general; to act as an ambassador for the institution; and to provide insight from practice through research and through teaching. My practice is in white-collar crime with a focus on asset recovery work and money laundering. Therefore, working with the FinReg centre was a natural fit.

During that time, I hosted a number of talks, gave a number of lectures, participated in panels, including hosting some for the Law Commission, and gave a number of lectures to postgraduate students. The latter included a memorable lecture which set out how money laundering works in practice. I also interviewed Professor King, during a Middle Temple Lecture night, on the work of academics, which highlighted to a large audience what academics do. This was part of my role in promoting the work of IALS.

Though what I was able to do was limited by the pandemic, the experience has had a profound impact on me. It has increased my understanding of academia, how research works and the extent that academia can help my practice. My understanding of my area has increased exponentially as I have had to look at it, albeit to a limited extent, through academic eyes. It has also opened my eyes to how I can use academia in future work, particularly appellate work and legal development work, where I work with jurisdictions to develop their laws and processes in different areas.

The experience has also highlighted a number of lessons, which I will now endeavour to highlight, on what I think is best practice and some of the pitfalls which can easily appear.

[D] REFLECTIONS

Reflecting on what I did in the role, there are three points which I think are key. First the interaction has to be between a practitioner who specializes in a certain area and a department or research centre in that area. There has to be a meeting of specialties. The fundamental exchange is about details and approaches. It is not for generalists. For me it was an in-depth look at asset recovery and money laundering. Being able to teach it made me question fundamental assertions I had, and being able to discuss matters with academics informally allowed me to clarify arguments, expand on them, and reframe my view of certain subjects. This would not have been possible if I was in a general department or not working with an academic in my area.

Second, this has to be an interactive role and well planned. The incumbent cannot be doing it for the title, or without a clear commitment. This commitment should be agreed beforehand. A year will be the classic time for this role, and ideally a plan would be in place before the year starts. This could be coordinated with the previous incumbent. It will set out what both parties expect to get out of the role and how many events and of what type are envisaged. As I found, the difficulty of organizing events meant that they should be done early. With busy practitioners' diaries, commitments should be worked out as soon as possible. Also, connections with members of faculty need to be made in a timely fashion so that the process of writing articles, or preparing lectures, has an appropriate timescale.

Third, the person appointed should attempt to immerse themselves in the academic world they have joined. This is something I did not do, partly due to time constraints but largely due to the pandemic. I would recommend this in future as my interaction was limited mainly to one

person rather than the team, again due to the pandemic. I learnt a lot through that, but if I had been part of the department, on the basis the department was wholly focused on my area, I would have got more perspectives. I would also have had increased interactions with students in person—not only teaching them but also being available to them for informal discussions, to help with their research and also to grow their network of contacts. Ideally this would be a two-way street and would provide opportunities for some students to shadow my work on relevant cases where appropriate. This type of immersion might not be possible in every case but it does appear to me to be the ideal.

[E] FUTURE

Overall, this experience has made me want to be in academia more. I have seen how it gives me a different perspective on my career. I also hope that the model will be adopted in a wider context by many more universities to encourage easy interaction between them and practitioners. It does not have to be limited to practitioners with over 10 years' experience, and not just to members of the bar.

In fact, I would encourage universities to look at a variety of candidates, and not make it just a prestige role. If it is, the interactions will become predictable, and also not much different from the current position. All established practitioners (those with over five years' experience) will have something to give in my view. There is an opportunity for practitioners to also take roles in other jurisdictions. The key to a Professor of Practice role is to give relatable insight and take away the same. So, if there are similarities in the law and practice this can be achieved in similar jurisdictions. For me I hope that the end of this role will be the beginning of my interaction with academia, and I hope this article will encourage further roles which link academia with practice.

About the author

Barnaby Hone is a barrister with specialist expertise in all types of asset recovery and financial crime. Further details can be found on the [5 St Andrew's Hill Chambers website](#).

Legislation, Regulations and Rules

Proceeds of Crime Act 2002