

**NEWS RELEASE**  
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**Law in the Real World:  
Improving our understanding of how law  
works.**

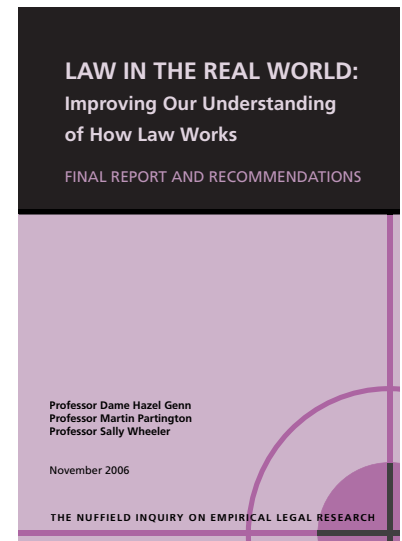
At the very time that Britain sees the number of laws and regulations growing relentlessly, and major policy questions are asked about the workings of criminal, family and civil law, a report launched today reveals a stark shortfall in the number of researchers who are capable of looking in rigorous way at how law really works -- as opposed to how textbooks say it does. Not only that, but the report also shows that the situation will get worse unless funders, universities, law faculties and others take concerted steps to ensure the training of new researchers who understand both legal issues and how to undertake research.

In *Law in the Real World: Improving Our Understanding of How Law Works*, Professor Dame Hazel Genn, Professor Martin Partington and Professor Sally Wheeler pull together evidence about the scope of the problem and look at how it might be solved.

Professor Genn and her colleagues outline the growing need for researchers who can examine how law really works, and subject claims – made by policy makers and lawyers alike of how it ought ideally to work – to real scrutiny. The importance of having evidence about how law works can be seen simply by considering a number of current issues that might usefully be informed by such evidence: for example, how to improve the efficiency of the criminal justice system, how to monitor the effects of new age discrimination legislation, or how courts handle child contact disputes that arise in divorce.

The authors then look at the evidence, drawn partly from the Economic and Social Research Council (ESRC) Demographic Review (2006) as well as from information they have compiled themselves, about the shortfall in the number of researchers, and how it will get worse in the next few years, as a generation of researchers retire. They examine the reasons why universities, law faculties and other social science departments are not making the strategic investment needed to ensure that future researchers can keep the workings of law, regulation and legal institutions under critical empirical review. Finally, they make recommendations about steps that could be taken to address the problem.

One key problem is that university law departments focus so much on the provision of pre-professional training to law undergraduates -- whose numbers are burgeoning and who provide much needed revenue to universities -- that the need to train a small number of people to keep claims about how law works under practical review is given little priority. It is not, the researchers claim, that all law students should be trained as researchers; most will go on to be practising lawyers. But academic law



faculties also have broader responsibilities: to consider the social impact of laws and regulation, and to contribute to the public debate about how laws and legal institutions really work.

At the same time, many social science departments have moved away from studying institutions like law, courts and regulatory regimes, and moved to studying topics popular with students, like consumption patterns, the self or the body. They too need to be encouraged to train a new generation of researchers who will keep legal institutions under critical scrutiny.

Professor Dame Hazel Genn of University College London, who was in fact made a Dame for the large number of empirical studies she has carried on in civil justice, says “We hope the Inquiry has made the case that this issue isn’t simply of local interest to universities, but really matters. Law isn’t just something on the printed page, it is something that affects almost every aspect of our lives. And it isn’t just about going court. Law and legal regulation affects our workplaces, our families, our business transactions, our security and our dealings with our fellow citizens. Claims are made – often by policy-makers and lawyers – about the impact of new law and regulations: and that may not be how works in practice or how it seems to employers or ordinary people. As a society, we need to have evidence about how laws really work”

Professor Genn adds, “Our report suggests a number of concrete and practical things that need to be done to produce the next generation of researchers. This will mean bridging what is currently a yawning gulf between the training given to academic lawyers and the subjects studied by social scientists. We hope this Inquiry will lead to a longer-term public discussion and constructive ideas about how to bring these two disciplines together and provide the training, support and incentives needed so that our society can keep law under review’.

The report was commissioned by the Nuffield Foundation which has, like other funders, become concerned about the shortage of researchers in this area. It is being launched on Monday, November 6<sup>th</sup> at a meeting held at the British Academy. The meeting will start with a summary talk by Professor Genn. Responding will be Professor Ian Diamond, Chief Executive of the ESRC, Mr Mark Ormerod of the Department for Constitutional Affairs, and Professor Gillian Douglas, Head of Cardiff Law School and herself an eminent researcher on how family law really works.

The full report, **Law in the Real World: improving our understanding of how law works**, by Professor Dame Hazel Genn, Professor Martin Partington and Professor Sally Wheeler is published today by the Nuffield Foundation.

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- Ms Sharon Witherspoon, Deputy Director, the Nuffield Foundation (020 7431 8765). Not available on Friday November 3<sup>rd</sup>.

## Notes for editors:

1. The Nuffield Foundation is a major charitable Trust established in 1943 by William Morris (Lord Nuffield), the motor car manufacturer. The Foundation has an endowment of some £225 million, which gives us an annual grant income of around £8m. These funds are used mainly to support self-contained projects which advance education or social welfare, often by means of grants for research or practical innovation. Most of these grants are to universities or voluntary sector bodies. It has funded various programmes on family and civil law, including empirical research as well as practical projects, since at least the early 1970s.
2. Professor Dame Hazel Genn is Professor of Socio-legal Studies at University College London and an authority on civil justice. Recent publications include: *Tribunals for Diverse Users* (2006); *Paths to Justice: What People Do and Think About Going to Law* (1999); *Paths to Justice Scotland* (2001) (National surveys of public use of law). She was recently appointed an Inaugural Commissioner of the new Judicial Appointments Commission. She is also a member of the Committee on Standards in Public Life and is currently leading a Task Force on Public Legal Education.
3. Co-authors were Professor Martin Partington and Professor Sally Wheeler. Professor Partington is a Law Commissioner, and Professor Wheeler is Chair of the Socio-Legal Studies Association and Professor of Law at Queen's University, Belfast. Research assistance was provided by Marc Mason and Nathan Emmerich.
4. The report is being launched at the British Academy on 6 November 2006. The launch starts at 5.30pm, and ends with a reception at 7pm. Responses to the Recommendations will be given by Professor Ian Diamond, Chief Executive of the Economic and Social Research Council, Mr Mark Ormerod, Director Civil, Family and Customer Services at HM Courts Service, and Professor Gillian Douglas, Head of Cardiff Law School.
5. Copies of the report may be requested free from Lisa Penfold at University College London, Bentham House, Endsleigh Gardens, London WC1H 0EG, [lisa.penfold@ucl.ac.uk](mailto:lisa.penfold@ucl.ac.uk) or can be downloaded from the Inquiry web site:  
<http://www.ucl.ac.uk/laws/inquiry>