



THE INSTITUTE FOR AFRICAN WOMEN IN LAW

IAWL LEADERSHIP ACADEMY



POWER TO PIVOT SERIES

Making the Move from Academia to the Bench



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Speakers and their Affiliations



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EXECUTIVE SUMMARY

Women across the world transition from one career to the other. The desire to move into different careers is inspired by the need to find meaning in life, fulfill one's calling, and find excitement. Transitioning from academia to the bench is a fairly common phenomenon within the legal profession. Since the 1990s, there has been a surge in the number of women called to the bench on the African continent and the diaspora (UNODC, 2021; Dawuni & Kang, 2015). This surge is in tandem with the global growth in women taking up leadership positions in different sectors. Some instances include the Director-General of the World Trade Organization; the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO); and the Prime Ministers of Tanzania, Uganda, and the United Kingdom.

The legal academic and the judge play complementary roles in developing the jurisprudential wealth of any society. In the courtroom, knowledge and skills from academia are essential as judges manage their cases and deliver seasoned judgments. Posner (2010) and Burrows (2021) advocated for more academics to join the bench, as such a move can only benefit the legal profession. Regardless of its benefits, pivoting from academia to the judicial bench can be fraught with challenges, such as settling into the culture of the judiciary, which is more rigid than academia. Many women have overcome these challenges with much tenacity and have successfully pivoted into their new roles. This report shares the experiences of four women in their journey from academia to the bench. It captures the driving forces that motivated them to make the bold move from their comfort zones and the valuable skills they imported into their new career on the bench. It further highlights their challenges and how they painstakingly overcame the obstacles they faced and continue to contend with throughout their unique journeys. The report will start with a brief introduction. It will continue with a literature review on career transitions, highlight the major themes from the panel discussion, and analyze those themes against the existing literature. Finally, the report will provide recommendations for women looking to pivot from academia to the bench.

INTRODUCTION

Most people strive to derive meaning from their careers and desire to fulfill their calling through their work (Weisman, 2021). This striving to find meaning drives them to change careers and search for jobs that they find exciting and fulfilling. One such career transition to find meaning is the pivot from academia to the bench within the legal profession. The membranes that separate the diverse professions in the legal field are porous (Posner, 2010). Legal academics and judges play complementary roles in their respective bids to develop legal jurisprudence. Whereas the judge tests, applies, and interprets the law, the academic teaches and analyzes the law espoused by judges and statutes. The move from academia to the bench is hardly a novel phenomenon. Legal academics such as Joel Ngugi of Kenya, Yvonne Mokgoro of South Africa, and Akua Kuenyehia of Ghana have successfully transitioned from the lecture room to the courtroom.

Against this background, the Institute for African Women in Law (IAWL), in collaboration with Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GMBH, held the first session of the Leadership Academy: Power to Pivot Series on March 17, 2022. The Power to Pivot Series comprises nine webinars distributed equally under three broad topics. The first of the series, dubbed Making the Move From Academia to the Bench, interrogated issues surrounding transitioning from a career in the legal academy to one on the bench. The eminent panel for this discussion consisted of: Professor Alero Akeredolu, a judge of the Ondo State High Court of Nigeria and a professor of law; Dr. Amy Tsanga, a judge of the High Court of Zimbabwe, who specializes in family law; Professor Lillian Tibatemwa-Ekirikubinza, a Ugandan Supreme Court judge and a professor of law; and Dr. Juliana Laurent Masabo, a judge of the High Court of Tanzania. This report documents the issues discussed and interrogated by the panelists. The report highlights the peculiar demands of both fields, the importation of skills from academia to the courtroom, how to prepare for the career move, and challenges that may be encountered in the transition.

CAREER TRANSITIONS AND FINDING MEANING IN LIFE

The literature is replete with research on career transitions in the quest to fulfill a calling or find meaning in life. The focus of current research has been on the move from one field to a different one, but little research has focused on transitions within a given field. Research on the move from academia to the bench has also been minimal, although the nexus (Posner 2010) between the two areas has long been established. According to Weisman (2021), individuals consider career moves for several reasons, including dissatisfaction with work, lack of excitement, and lack of fulfillment in their current jobs. Events such as layoffs and sudden resignations also account for career moves (de Medeiros Anderson et al., 2021). An example of this is the COVID-19 pandemic, which has disrupted teaching and learning, resulting in a loss of employment for many. In most cases as Ibara (2004) writes, career transitions are gradual. People take interest in new fields and dedicate more and more time to them until that new field encroaches completely on the time and interest in the old field (Ibara, 2004).

Weisman (2021) explained the transition to other careers as a desire to fulfill one's calling. Dobrow and Tosti-Kharas (2012) described a "calling" as work done for financial and social value. It is pleasurable and has positive connotations of efficiency, productivity, and better financial returns. When people cannot pursue their calling with their initial careers, they are pushed to transition to more desirable careers that provide social and financial value. In as much as a career transition is geared toward desired outcomes, the process is not always smooth. While some, especially women, experience difficulty balancing their new careers with their caregiving roles as mother, wife, or grandmother (Cherrstrom and Alfred, 2020), others deal with culture shock occasioned by the new work environment (Ramos, 2020). Ramos (2020) considers culture shock to be feelings of disorientation experienced when a person encounters an unfamiliar way of life or work environment. This experience, he explains, can lead to apprehension and reduce productivity. To curtail this, Ramos (2020) proposes training and mentorship programs that can help individuals acclimatize themselves to the new working environment.

Specific to legal academia and the bench, Posner (2010) contended that there is a widening gap between the two professions due to contested and politicized conceptions, that is, academics constantly pester jurists to exercise restraint and be distinct from other arms of government or adopt an activist stance and align themselves politically in one way or the other. However, according to Posner (2010), judges oppose the interference of academics in their judicial roles. Posner (2010) further indicated that a person who has never been a judge before is not well-equipped to advise others on how to do the job, and thus advocated for more judges to join the legal academy to bring the judicial perspective to academic discussion on the legal field.

Contrary to the move from the bench to academia, Burrows (2021) instead emphasized the need for more academics on the bench, as academics import more intellectual discipline and depth to judgments. Burrows (2021) argued that legal scholars who become judges tend to be more critical and analytical in applying the law and exercise objectivity in their decisions. Legal scholars also broaden legal jurisprudence with their depth of thought and writings, which benefit not just the individual cases being resolved but also the academy, jurists, and practitioners. A transition from the academy to the bench benefits the individual who makes the move and the entire legal profession.



PIVOTING FROM ACADEMIA TO THE BENCH: PANEL DISCUSSIONS

This section provides a broad overview of the discussions by the panelists on pivoting from academia to the bench. Four main themes are discussed here: motivation to pivot, the transition process, challenges in the transition process, and lessons for women aspiring to transition in their careers.

Motivation to Pivot

Different factors account for the desire to make career changes, and each panelist had a unique reason for joining the bench. Akeredolu dreamed of joining the bench since the beginning of her career. Her transition to the bench fulfilled her passion, and academia was the stepping stone to achieving that dream. She started as a practitioner but found it unchallenging. She transitioned from legal practice to academia to challenge herself and prepare for a career on the bench.

Tsanga's reason for joining the bench was similar to Akeredolu's, but her transition was set in motion when the government invited her to join the bench in 2005 and 2008. She wished to use her legal career to serve others and was therefore comfortable with the transition and prepared to do so when called to the bench.

Tibatemwa-Ekirikubinza echoed Tsanga's position on providing service. Her teaching encounters revealed the gaps in the justice system as she found "the law does not always lead to justice." This realization triggered her desire to join the bench and help correct the justice system's shortcomings, including restraining the conduct of the legislative and executive arms of government within the confines of the Constitution—a "power" and "responsibility" that has only been afforded to the judiciary. Moreover, teaching had become dreary and unexciting, coupled with the "dark side of university politics." Her move to the bench provided a fresh outlook on life and her service to humanity in the legal field. Like Tsanga, her readiness was met with an opportunity to join the bench.

Unlike the other three panelists, Masabo's career transition was a surprise. She was comfortable in the academy with no plans of pivoting to a career on the bench until she was appointed. As with the other panelists, however, she accepted the appointment with readiness to serve as it brought along an opportunity to serve the wider community.

The Transition Process

Each panelist discussed how she made the transition from academia to the bench and the skills that helped ensure a successful transition. Tsanga shared that when allowed to join the bench initially in 2005, she was not ready since she considered her career in the academy to be only just beginning. She stayed in academia and garnered more experience in research across African countries and gained a broader perspective of the legal systems of other countries. These skills later became significant in her judicial career. She also assessed her strengths and weaknesses in the judicial profession and made a conscious effort to overcome fear and position herself properly for the job. She had never been a practicing lawyer, and her knowledge of procedural laws was inadequate. She remedied this shortcoming by purchasing books and familiarizing herself with procedural laws, saying, "if I'd managed to learn it as a student, I was pretty sure I could still learn as an adult, so I wasn't going to let that hold me back."

Akeredolu, on the other hand, started her journey with the consciousness that she wanted to become a judge. This consciousness is reflected in the steps she took to fulfill that dream. In Nigeria, one could become a judge in three ways: through private practice, the magistracy, and academia. As an academic, she "put her best foot forward" and added value to herself to the point of being overqualified for the job. She stated that she reviewed the requirements for the job and ensured that she was more than qualified. She then positioned herself to be noticeable and relevant by publishing reports (she became the first woman to publish law reports in the Supreme Court Monthly of Nigeria), visiting the courtroom to be abreast of procedural laws, and reading judgments to stay in touch with current legal trends.

She emphasized the importance of using your gender, where the requirements for a job stated that it would be favorable to do so. In her case, gender worked in her favor, as no female law professor had previously been appointed to the bench. She also highlighted that recommendations from the right people were key to a successful transition. She continued to search for different opportunities so that, in her words, "I could ensure that one way or the other, nobody could say on merit that I should not be considered." Due to the nature of her appointment, Masabo was left to learn on the job from colleagues on the bench and anyone willing to teach her since her entire career had been in academia. She shared that "as a judge and professor, I came with an open mind."

Tibatemwa-Ekirikubinza stated that three essential skills are required to excel in a career pivot from academia to the bench: reading, analytical, and research skills. A judge must update herself on the latest jurisprudence. She added that she was aware that she possessed these skills, but the academic writing style of an article or book was different from writing a judgment. With open-mindedness and a willingness to learn, she sat in court with some of her colleagues, learned how to conduct sessions, and took lessons in judgment writing.

Challenges in the Transition Process

Panelists shared the challenges they faced during their transition from academia to the bench. Tibatemwa-Ekirikubinza shared that her primary challenge was "cultural shock" or a "clash of cultures." Critiquing the work of colleagues is a common phenomenon in the academy. Academics are free to be blunt in their criticisms, but in the judiciary, the hierarchical nature of their work made direct critiques unpleasurable. Dissenting opinions had to be presented in flowery and apologetic language to soften the effect. She also had to put her public writing career on hold, as a judge in Uganda is not permitted to publish articles in newspapers.

Akeredolu stated that, on the bench, you do not fix your timelines; different variables of litigants, lawyers, and even support staff may affect your effectiveness. You may be ready to work, but other stakeholders are dragging their feet, so nothing will get done. Trial dates are fixed, witnesses or counsel may be indisposed or stuck in a different city because of unavoidable situations, and strikes or protests happen. One must, however, make the best of all situations.

For Tsanga, her main challenge was joining the bench without any background in actual court litigation. In contrast, those on the bench already had that grounding from private practice, prosecution, or the magistracy. She was fully aware that her area of weakness was the procedural rather than substantive aspects of the law. Therefore, she devoted considerable energy to honing her procedural skills.

Lessons for those Aspiring to Transition

Tsanga's advice to those desiring to transition from academia to the bench was that writing judgments and adjudicating cases can be time-consuming. They should be mindful of how draining the work of a jurist can be.

She admonished participants to maintain their relationships in different sectors, learn from other judges, and read court records. Keeping knowledge of developments in other sectors and interrogating matters of interest will let others know your opinions and recommend you when necessary. Networking, she said, was influential in the transition process. As a woman, one had the additional duty to balance the various roles and to "say no to some things ... and have some time for family."



Masabo reflected on the impact that a career in the judiciary could have on individuals, their communities, and the nation. She added that working as a judge is a unique experience. It is both exciting and stressful. It gives a rare opportunity for community engagement and makes the world better. Each decision you make as a judge directly impacts the individual litigant, the people around them, and the community. Although impactful, the work is stressful. It can affect the psychological health of judges due to the nature of the cases they decide and the gruesome evidence, especially in the criminal sessions. To her, it was important for a judge to maintain a mental balance to forestall psychological adverse effects.

On the issue of lecturing while on the bench, she stated that it was possible, except that as a High Court judge, you would have to critique the decisions of judges in higher courts in the classroom, which could be problematic. Additionally, the independence of the judiciary is paramount, so in combining the two roles, the person must endeavor not to compromise that. Tibatemwa-Ekirikubinza focused on the need for mentorship as a requirement for settling into the role of a judge. A mentor will guide you and prepare you for expectations at any particular time.

Akeredolu's advice to aspiring women making the transition from academia to the bench was to stay in touch with courtroom practice and to be active in their local bar association if they intended to cross over to the bench. Young women should be focused and known for their expertise early. They should maintain relationships and networks across the spectrum of the different stakeholders in the profession. She admonished them not to hesitate when occasions call for the use of the two-letter word "no."

ANALYZING THE PANEL DISCUSSIONS



Discussions by the panelists affirmed that different factors account for career changes in any field of work. People pursue initial careers as a stepping stone to their “calling” or passion. Some motivating factors for career changes include the desire to fulfill one’s calling, the pursuit of a more challenging career, the pursuit of the greater good of humanity, more power, or promotion as noted by Weisman’s (2021) research. Most of the panelists transitioned from academia to the bench to fulfill a life-long dream or calling. Transitions can occur more than once throughout a person’s career, as with Akeredolu, who transitioned twice for different reasons. In her case, one transition was to pursue a more challenging career, and the other was to fulfill her dream job.

Career transitions can be gradual, as indicated by Ibara (2004). People make the decision and take the time to execute the move. For Akeredolu, it took years of applications as she rose through the ranks in academia. Tibatemwa-Ekirikubinza, on the other hand, was restless in the academy, worked hard, and rose through the ranks until the opportunity to transition to the bench presented itself. In both cases, they were high-achieving in existing careers while preparing for the pivot.

Career pivoting may happen suddenly. The revelation by Masabo of her surprising transition to the bench affirms research by de Medeiros Anderson et al. (2021) that career moves may happen suddenly, and in Masabo's case, it occurred abruptly through an appointment.

The transition process requires honing one's research, analysis, and critical thinking skills. One must overcome fear, assess strengths and shortcomings, and take requisite steps to remedy weaknesses that may hamper the success of the transition process. Having a "growth mindset" is critical. It is crucial to make ones' self valuable to qualify for the career, and position one wants to move into. Recommendations from colleagues, networks, and mentors along with a willingness to learn at the bench, facilitate a seamless transition.



Culture shock occasioned by the differences in the job approaches was one challenge experienced in the pivoting process by the panelists, as also identified by Ramos (2020). The work environments for academics and judges differ in terms of requirements and time restraints, and for an academic moving to the bench, she would have to contend with the different systems of work, but Ramos (2020) proposed mentoring and training programs as possible ways of mitigating the shock.

RECOMMENDATIONS



First, Burrows (2021) encourages more judges to come from the legal academy as it strengthens legal jurisprudence and the intellectual quality of judgments. More women are also encouraged to make the career move from the academy to the judiciary, as the transfer of skills is relatively easy.

Second, women who have successfully pivoted from academia to the bench should mentor others who desire to pursue careers in the judiciary. Third, both men and women should recommend women in the academy for appointment as judges.

Fourth, countries without a clear path from the academy to the judiciary must develop one to enable more women academics to transition more easily to the bench. This transition path must include training in judgment writing, record taking, and conducting court sessions.

Finally, judges who moved to the bench from academia should be encouraged to balance their career in the academy with that on the bench. As indicated by Lanzinger (1993), teaching the law from a judge's perspective carries a unique depth and worth that will be beneficial to law students.

CONCLUSION



This report has presented the discussions by panelists on the theme Power to Pivot: Making the Move from Academia to the Bench. The views of four panelists were collated and juxtaposed with existing literature on career pivoting. Career pivoting is not a novel phenomenon; neither is the move from academia to the bench. Reasons for making such a move range from a passion for pursuing a career in the judiciary, a desire to experience fulfillment, and a sudden appointment by the government. The transition requires open-mindedness, mentorship, networking, and a growth mindset. The panelists noted challenges such as cultural shock and difficulties balancing the stressful work at the bench with its time restraints. More women in academia must be encouraged to pursue careers in the judiciary and be afforded a conducive environment to transition successfully and excel on the bench.

APPENDIX

Question: *Are there any ethical questions that arise when an academic is called to the bench but continues to teach? What ethical issues might you foresee if someone is doing work outside of the bench, like teaching and remaining on the bench?*

Answer: There is no problem combining work as an academic and as a judge. The main contention would be interrogating the judgments of other judges as an academic. In the process of interrogating judgments of the highest court in your jurisdiction, you may find yourself stepping out of line if care is not taken. You may make innocent comments about judgments, but they could be understood otherwise by the students or the audience of your presentation. Consideration must be given to how to balance teaching and judging, how to conduct yourself, and the limits that must be maintained to not compromise the independence of the judiciary. Further, the judge who wants to continue teaching must ensure that she does not create a situation where it is seen as though the judiciary is encroaching on other state organs. You might speak as a lecturer in the classroom, but others will see it as a judge speaking. In that regard, the entire judiciary might be dragged into something that it knows nothing about or has no opinion on. That is because the words of the judge, who is an academic, would be taken to represent the words or position of the judiciary on a matter.



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REPORT

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