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Brexit and the Law School

Northumbria University, 25th May 2017

The roundtable conversation on “Brexit and the Law School”, sponsored by the Society of Legal Scholars, was attended by approximately 35 academics and practitioners from across the North East, to discuss the key implications of Brexit and future opportunities. The organising team included Sophie Carr, Gemma Davies, Rachel Dunn, Adam Jackson, Guido Noto La Diega, and Emma Piasecki. The event was separated into four distinct themes, discussed in turn below. Also attached to the report is a conversation map of the discussions, with arrows indicating where ideas overlapped into other themes.

Research, Impact and Engagement: Research opportunities and challenges

The main focus of this theme surrounded collaboration opportunities and maintaining our current research agendas. Attendees highlighted the need to build up external contacts to amalgamate funding, with perhaps more of a focus on Asia and New Zealand institutions as partners. There was also an emphasis on law schools and researchers becoming leaders in the discussion of research opportunities post-Brexit. This will help ensure that funding goes to law and the social sciences instead of being dictated by medicine and natural sciences. Further, we can offer our expertise to the government during the negotiation period and we should lobby this. Lastly, there was a concern that Russell Group universities, known for quality of research, may benefit more than the post-1990 universities.

Research, Impact and Engagement: Funding and engagement with external stakeholders

A great emphasis was placed on the importance of research networks and collaborating to maintain research funding. This is not only networks within universities, but including law firms and the judiciary for greater impact of research. Concern was expressed over league tables being dictated by research and funding, with the older universities maintaining a good reputation. Ideas were shared on how we can generate more income. For example, law firms funding research, but writing it in a more accessible, non-academic manner for their audience. We can also create on-going relationships with external funders, but we must be wary of becoming mouthpieces for corporate and consultancy work, though these pressures are hard to resist. Too much research outside of the control of university may result in a lack of research done for the love of it, meaning research questions generated may not be pursued.

Learning, Teaching and the University Community: Curriculum development and the future of EU Law

We are still part of the EU and so we must continue to teach EU law. How we teach it will change and some think we should keep it as a full module until 2020. Some universities have replaced other topics with the impact of Brexit, which begged the question of whether we should be teaching students the implications of Brexit? It is useful when teaching free movement and what rights we are losing on the current module. However, we must be careful not to push our political values on our students. How it will change post-Brexit remains uncertain, but many felt certain it will have a reduced content. Some believe it will become a half-module and EU law will be incorporated onto other modules, such as English Legal System and International Law. We will need elements of single markets and perhaps World Trade Organisation rules, should we revert back. As UK lawyers will need to be able to advise companies in, or investing in, the EU we need to retain an element of it. There are research opportunities here, looking at modules as separate case studies, which can incorporate students as researchers.

Learning, Teaching and the University Community: The changing shape of the University community

The law school sits within the wider university, which sits in the wider community. Any changes impact the whole community and we must adjust for that. UCAS data tells us that there are less EU students applying to UK universities in 2016, but whether this as a trend will take a few more years of data collection to establish causation. There were also concerns of the impact on the Erasmus programme and similar opportunities and a loss of our intellectual environment. Our legal system is unique and working with other EU students exposes our students to other legal systems. We need to remember that there is a world outside of the UK and encourage an outward looking teaching focus. Whatever the changes, we must ensure that we remain positive, to avoid any negativity reaching the ears of potential international colleagues and students, particularly as international students do not feel currently welcome in the UK. We will be competing in a bigger international market and must ensure that the UK remains a desirable destination for international students.

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Research, Impact and Engagement: Research opportunities and challenges

Learning, Teaching and the University Community: The changing shape of the University community

Learning, Teaching and the University Community: Curriculum development and the future of EU Law

Every member of staff applying for small grants builds up for league tables
Needs to be a way to practice grants - don't need huge grants to start
Work load allocation for academics?
Legal research can be done on a small budget
Russell Group have pre-existing reputations which drive income
Older universities take higher proportion of students
Where do post-1990 universities fit? Quality research more associated with Russell Group - we need to make early representations
Appropriate representations for ALL universities
Even those who do not think their research is affected by Brexit will have to adapt as law changes
Bring people together and use their strengths
Element of individuals taking responsibility to build networks
Harder to innovate with bigger projects
Networks are important for larger funding
Focus on how we build networks. Everyone is competing against each other, so we can build shared platforms, e.g. Centre for Criminal Evidence
Law already struggles for funding - 2014-now only 8% of Research Councils funding went to legal academics
How will we do? Law has problems with research council and further issues for post-1990 universities
Funding can drive league tables and income. Law schools may struggle more than sciences
Use existing research to generate income. Should be done freely and open to public - doesn't always work
We need to identify positions of strength - if start to be viewed by EU as irrelevant we will be side-lined. What can we offer in negotiations?
We, as researchers, will not be prioritised, especially outside of Russell Group and sciences
Some areas of law, e.g. criminal justice, will suffer more than others and will struggle for funding
Will we be like Norway and Switzerland: can be involved in projects but not lead?
Law is unique as we can offer help to Government during negotiations, not just Think Tanks - we need to lobby that
Can create reports branded by local law firms for funding - make it more assessable to non-academic audience. Micro-funding opportunities
Judiciary, etc. makes research relevant and creates impact
UK Government looking for inter-disciplinary funding e.g. cross council funding, global challenges and APEX
UK committed to having some continued funding as associated country rather than 3rd country
Complications of students doing LLB but not wanting to practice
If the work has already been done, why not re-package for different stakeholders
Universities should be researching and publishing - other revenues other than students
We are externally facing as academics and already look for international collaborations
We can look towards other projects, such as Horizon 2020
Issues with some academics and countries being excluded
Need to make sure that the Government don't just use the science and research budgets and rain resources and our voice is heard
Short-term solution of projects agreed funding before we exit have a funding commitment from the Treasury
We have a unique legal system for comparative work and UK universities are attractive because of expertise
People don't engage with law unless it affects them. However, some see it as part of business process
Solid networks, as competing individually can cause failure
Academy of social sciences - work at universities shouldn't be just a mouthpiece for corporate work, even though it is hard to resist that pressure
Takes away from doing research for the love of it, otherwise essentially research consultancy work, which loses sight of other research questions. What about early career researchers?
UK funders may use more demand management policies and two-stage application process to keep access rates stable
Currently still a member, and will be during negotiations, so we have participation right
Funding will not be priority in negotiations
On-going relationships with funders can help. Can foster the start of doing research and then funding to make it more specific
Erasmus at risk as we don't have the funding or mechanisms - over 200,000 UK students have taken advantage of the programme
The law school sits in the university, within a larger community. Changes effect the whole community
The SRA changes also effect the curriculum
Some law schools get more freedom during more political times
Liberal arts degree could be more attractive
It has already become increasingly harder for international students to study here, e.g. Indian students now choosing US over UK - after Brexit 41,000 fewer students, 6% down in 2016-17
How will our staff and students coming into the university change? We don't know
UCAS data from 2017 shows law school applicants up by 7%. However, from EU applicants are down by 3%. Across all schools, EU applicants down by 6% but UK applicants are also slightly down (but up since pre-2016 figures)
How is EU law taught in other non-member states, e.g. Switzerland?
The law of the EU still exists and there is value in lawyers knowing about it
The curriculum and what we teach will have to change
There may be more of a focus on single market law
What relationship will a UK solicitor have with EU law? Will corporate clients go to EU lawyers due to privilege?
BSB want it to remain for 5 years. Why?
If we keep teaching it as we are will it grab students attention?
Repeal of ECHR may be a good research project
Must be careful lecturers don't push their political views on students
Students want to influence future
Every discipline should be submitting effects, for comparison between departments
Enterprise and knowledge transfer - working with law firms may be the way forward
Already seminars looking at what repealing EU law means for certain areas, e.g. human trafficking
Law firms are asking Irish lawyers to apply to the Irish Law Society for funding to maintain this
Do we engage students with Brexit implications? It is one of the biggest things that happened to them in their lifetime
One university replaced teaching judicial review with leaving the EU - full classes
Engaging with Brexit is a good way to teach free movement - students are losing rights

Universities can drive agenda instead of being hostage to political fortune
Universities must be part of the conversation and shaping the debate - particularly through the government working group, Universities Research and Innovation
What does HEA/ECRC think? If research has an EU slant will they still fund it?
Lack of funding may encourage us to be more creative - New Zealand and Asia as partners?
Need to be careful to assume other countries in Europe will want to work with us
Institutional AND individual responses
The Government don't want university research to diminish by Brexit, so we can influence and become leaders of the discussion surrounding research.
Even with domestic funding, there will still be gaps
What if we get no deal with Brexit? May have to revert to WTO rules. Will we need to teach this?
There will still be elements of EU law - British law firms will be advising companies in or investing in EU companies, etc.
Reduce content - may become half a module
Some believe in keeping it a full module until 2020, then reassess
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Is our legal system unique? Can we attract students because of common law?
How do we make sure we engage with EU and not just focus on common law system
Risk of less engagement with EU issues and not reminded of the world outside the UK
If we lose then what does it mean? Depends on the law school you're a part of and the wider university - more inward looking teaching focus?
Basic fundamental questions about sovereignty, e.g. Germany write it into their constitution but we didn't
If no longer a core module, how many universities will still teach it?
Changes in English legal systems too - can be incorporated into other modules - there is always an overlap
This overlap can help generate research questions, looking at each module as a case study
Could have an EU trade module run alongside international trade
Some believe in keeping it a full module until 2020, then reassess
Do we engage students with Brexit implications? It is one of the biggest things that happened to them in their lifetime
One university replaced teaching judicial review with leaving the EU - full classes
Engaging with Brexit is a good way to teach free movement - students are losing rights
We need to be positive - we don't want to create a negative atmosphere which will be fed back to other potential colleagues and students
Many international universities offer English speaking degrees
Brexit has opportunity to remove students from net data and sell as a destination - domino effect institution. Things will change
University has an obligation to be part of market place
Loss of understanding or common law systems - learning happens when we talk to people from other jurisdictions
May have some losses in the 'hidden' curriculum - less of learning from each other and different ways of thinking. Less well rounded lawyers and academics?
International students don't feel welcome here because of Brexit
What sort of model will we have? Some people would like it to look like Canada, encouraging students to stay in the society
Is this just a blip since Brexit creating uncertainty around tuition fees or is it a trend? We won't know for a few more years
Intellectual environment - we can't lose the contributions we have from international students and staff
Universities have worked hard to promote this
We need to be positive - we don't want to create a negative atmosphere which will be fed back to other potential colleagues and students
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