**Mapping the Effects of Brexit on Legal Education in Wales:**

**Proposals for Addressing Students’ Concerns**

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Whilst the future for UK-EU relations remains to be realised, Brexit will have consequences for legal education. However, to date, neither the UK nor Welsh Governments have sufficiently addressed what those consequences will be for Higher Education. This paper, which documents the results of 336 student questionnaires received from law students surveyed from every law school in Wales,[[2]](#footnote-2) evidences that learners have already started to decide what they believe Brexit means for them. Amongst the numerous challenges for Welsh law schools is the opinion of current students that Brexit makes Wales a less attractive place for overseas students and lecturers, both EU and other internationals, to study and work.[[3]](#footnote-3) Meanwhile UK students studying in Wales are questioning the relevance of EU law modules; and are viewing aspirational careers within EU institutions as now being ‘closed doors.’ By drawing upon our findings, as well as comparisons with other EU Member States, this paper proposes six areas where urgent collaboration between Governments and universities are needed. Failing to address the concerns identified by this research has the potential to further threaten the internationalised education model that UK students benefit from by studying law at Welsh universities.

**1. Introduction: Issues Surrounding Brexit and the Future of Legal Education**

Within the context of the UK’s legal system, Brexit has been referred to as the most significant constitutional change since the war.[[4]](#footnote-4) The Legal Education Foundation predicts that there will be unprecedented legislative change, with law and policy reform expected to continue for a further 20 years.[[5]](#footnote-5) To respond to these challenges, award bodies across the UK have commissioned research by universities and think tanks; in order to map the effects of Brexit.[[6]](#footnote-6) This demand for evidence based research and new expertise can be seen in Wales, as, post December 2017, the Welsh Government, as well as many other public sector organisations, adopted an intensive recruitment drive to enhance their constitutional law expertise. For example, several new public lawyers were sought to join the Welsh Government Legal Services Departments,[[7]](#footnote-7) as well as 20 new vacancies for Brexit Policy Advisors and Interns to join the Government’s Energy, Planning and Rural Affairs Branch.[[8]](#footnote-8)

Nonetheless, at the time of writing, beyond the constitutional and European Union law complexities surrounding the UK and EU’s impending divorce, Parliament(s)’ focus on trade negotiations and the economy has only made minimal references to the consequences of Brexit on Higher Education, and the preparations that are needed.[[9]](#footnote-9) This is despite it being a valuable sector for the UK, generating 1.2% of GDP.[[10]](#footnote-10) Furthermore, at the time of writing, relatively few studies have sought to map the impact of Brexit on the future of Higher Education,[[11]](#footnote-11) not least in terms of whether UK universities will be able to continue to attract significant numbers of EU and international students.[[12]](#footnote-12) No known studies have conducted empirical research with current law students as to their perceptions of Brexit; nor focused on Wales as a case study.[[13]](#footnote-13)

This article seeks to fill this gap by surveying current UK, EU and international students as to their perceptions of what Brexit could mean for them. In doing so, questions were posed in order to gauge students’ thoughts as to: their personal opinions of the Brexit negotiations that are taking place; possible consequences for attracting overseas students to legal education in the UK and Wales in the future; the effect upon their employability, career prospects and economic prosperity; student experience; potential staffing issues; and curriculum design.[[14]](#footnote-14) Though the topics covered are wide ranging, they are inter-connected to the wider theme of the potential repercussions for legal education within Wales, from the focal point of what learners feel about Brexit.

**1.1 Why Wales as a Case Study?**

Wales’ legal system, and corresponding legal education needs, are idiosyncratic within the UK.[[15]](#footnote-15) Wales is the only country to have a devolved legislature, while at the same time it continues to share relative regulatory alignment in many areas with England, by virtue of the joint jurisdiction of England and Wales.[[16]](#footnote-16) Consequently those training and educating Wales’ lawyers need to be both inward looking (in terms of the specialist needs of the Welsh community) and outward looking, in terms of the international role Welsh law schools can play on the world stage.[[17]](#footnote-17) However historically, compared to the rest of the other devolved nations, addressing the limits to Wales’s legal competences took longer.[[18]](#footnote-18) As Watkins states, the unique needs of the Welsh legal community were not fully recognised until the foundation of the University of Wales, with law degrees being offered at Aberystwyth only since 1901.[[19]](#footnote-19) Only then was Wales, for the first time, able to internally provide modern legal education to its aspiring lawyers within the country. Despite this rich history, it took approximately 80 years for Welsh universities to thereafter start to attract significant numbers of international learners.[[20]](#footnote-20)

Today, Welsh universities have 21.5% non-UK students directly contributing to their income (a figure which is higher than the overall UK average).[[21]](#footnote-21) Amongst these numbers, law, and law related studies, are consistently acknowledged as one of the top ten subjects to study at university in the UK (collectively by UK, EU, and international learners). In Wales, law is often ranked the second most popular choice for school leavers (second only to medical sciences).[[22]](#footnote-22) Therefore, given Welsh institutions higher reliance on non-native learners, as well as the international popularity of their law programmes, legal studies within Wales should be considered amongst the subject disciplines that is amongst those most likely to be affected by Brexit.[[23]](#footnote-23)

Whilst the study of law is often assumed to be jurisdiction specific; there are significant reasons why Wales should, and has, taken an internationalised approach to the delivery of legal education. All law schools in Wales offer a variety of electives, both at undergraduate and postgraduate level, beyond just the qualifying law degree foundation subjects. Subjects such as international public and private law; as well as emerging specialist centres within law schools, covering areas such as international public procurement law,[[24]](#footnote-24) and strategic partnerships with leading EU law schools,[[25]](#footnote-25) are widening the appeal and reputation of Wales’ law schools as centres of excellence. In doing so, they have attracted more EU and international law students. The delivery of such international specialisms in Wales is partly attributable to the assiduousness of Wales’ non-UK, EU and international law lecturers.[[26]](#footnote-26) In return, UK and Welsh students benefit from an ‘internationalised outlook’ through opportunities to mix with a more diverse group of peers; a wider international mix of lecturers, teaching a vast array of specialisms and international subjects; greater opportunities to travel abroad as part of their degree, including via the Erasmus plus exchange programme; as well as enhanced employability skills and career prospects post-graduation (with a greater awareness of the opportunities available for Welsh law students both at home and overseas).

However in the coming years, Wales’ internationalised legal education is set to face significant challenges, including (but not limited to): threats to the current qualifying law degree LLB programme (in a move towards the SQE model, which does not place significant value on knowledge of European Union law);[[27]](#footnote-27) the marketisation of Higher Education which ranks pass rates, retention and progression above other traditional University values (via Teaching Excellence Framework (TEF) metrics); as well as the current ‘immigrant unfriendly’ political climate of Brexit.[[28]](#footnote-28) Under such pressures, the benefits and value of an internationalised legal education to the future generation of lawyers in Wales is under threat.[[29]](#footnote-29)

Of these, Brexit is perhaps the most imminent and uncertain threat, which will have both a direct and indirect impact on the future of Wales’ law schools. In order to assess what that impact might be, we sought to understand the thoughts and views of Wales’ current law students. In doing so, it is believed that the 336 students that were surveyed are currently the best gauge we have to allow for some quantitative and qualitative insights into what the future generation perceive to be the effects of Brexit. Such students (from the UK, EU and international jurisdictions) are best placed to reflect their respective domestic and international views, and concerns, as to what the future could look like for legal education in the UK. They are also more likely to understand what their respective communities back home are thinking, so as to provide some indication as to whether Wales and the UK will continue to be an attractive place for learners, academics and researcher to come to study and work.

It is therefore a confirmation of Wales’ unique constitutional position; historical legal education evolution; as well as its higher than average reliance on overseas students; that makes it a worthy case study for sampling students’ views as to the effects of Brexit on legal education.

**1.2 Mapping the Contribution of Non-UK Students to the UK and Wales**

Whilst talking about the marketisation of Higher Education presents its own difficulties,[[30]](#footnote-30) given the current focus of Brexit trade negotiations on the economy, it is significant to understand the important financial contributions of UK universities and colleges to GDP. Recent commissioned work by Universities UK indicates that universities generate approximately £95 billion towards the country’s economy, and supports more than 940,000 jobs across the nation (both directly and indirectly).[[31]](#footnote-31) It is estimated that gross contributions directly account for £21.5 billion (or 1.2 percent of GDP). Such is a 22 percent greater contribution than that produced by the whole UK accountancy sector, and almost 50 percent more than the contribution made by the advertising and marketing research industries.[[32]](#footnote-32) Of this £95 billion, it is estimated that £25 billion is directly attributable to international students, both EU, and international (non-EU) learners.[[33]](#footnote-33) Specifically, existing reports find that students from the rest of the EU, spend money and create jobs in all corners of the UK, generating an estimated additional £3.7 billion.[[34]](#footnote-34) This is in addition to the estimated £730 million a year of EU money that is spent on research and development via universities.[[35]](#footnote-35)

In quantifying such financial contributions, HESA statistics show that of the 2,317,800 students studying in the UK; 134,835, or 6%, are from other European Union countries; with a further 307,540, or 13%, from elsewhere in the world.[[36]](#footnote-36) Specifically in Wales, between 2012/13 and 2016/17 HE student enrolment has predominantly fluctuated at around 100,000 students per year, with latest figures totalling 98,485.[[37]](#footnote-37) Of this 6,235 (6.3%) are from other European Union countries; and 14,970 (15.2%) from elsewhere worldwide.

**1.3 The Inadequacy of Wales’ Current Response**

Given that Welsh universities have 21.5% non-UK students directly contributing to their income (a figure which is 2.5% higher than the overall UK average), it is somewhat surprising that in the Welsh Government’s *Trade Policy: The Issues for Wales, Securing Wales’ Future* there is only one reference to Higher Education across the 42-page document. Specifically, it states:

“The consequence of leaving the EU (particularly in a ‘no deal’ scenario) for higher education in Wales could have a significant impact on the Welsh economy. This could materialise as the direct impacts of reduced spending on research and development make their way through the economy and have a negative impact on investment and productivity more generally. Wales’ higher education institutions benefit from the research funds they have access to as a result of our membership of the EU, Horizon 2020 being the most significant. Exclusion from this collaborative research could impact directly on Wales; ability to maintain and attract new companies and to develop new industries…Withdrawal from the European Union may also affect the ability of Welsh universities and colleges to attract staff and students from other member states…In combination these changes could limit the availability of highly skilled staff working in the UK and have a negative impact on growth and living standards.”[[38]](#footnote-38)

However, to date, these predictions are largely speculative and not founded on evidence based empirical research that clarifies whether Wales will indeed continue to attract staff and students from the rest of the EU. Furthermore, unlike other service industries areas (such as healthcare professionals, financial services and the construction industry). In their report, the Welsh Government does not attempt to quantify (neither in terms of financial contribution nor number of people) either the potential direct, or indirect impact, of Brexit on Higher Education in Wales.

It should be noted that in February 2018, it was reported that the number of EU students applying to UK universities had increased, despite ‘Brexit’ fears.[[39]](#footnote-39) However such reports came against the backdrop of a significant devaluation of sterling (making the UK a more attractive place to study from a student cost of living and tuition fees perspective).[[40]](#footnote-40) Furthermore, whilst it was reported that the number of EU students applying to UK universities rose by 3.4 percent this year;[[41]](#footnote-41) this was against the previous year’s figures, which saw a fall of 7 percent, thereby leading to a somewhat illusory inflation in 2018, compared to 2017. It should also be appreciated that these figures are pre-Brexit, at a time when the UK remains a Member State and enjoys all EU freedoms.[[42]](#footnote-42) In addition, more detailed analysis of HESA figures indicate that, when comparing data between 2012/13 and 2016/17, students coming from some specific Member States (such as Germany, Ireland, Greece, Cyprus and Bulgaria) to study in the UK have steadily decreased in recent years.[[43]](#footnote-43) Whilst the UK Government has provided some reassurances for EU students, in terms of fees and access to loans in 2017/18 and 2018/19, there is a need for clarity within and beyond the transition period.[[44]](#footnote-44)

In the absence of clarification as to the future working relationship between the EU and UK universities, legal education, not least in Wales, stands to also be amongst one of the worst affected disciplines post-Brexit for research grants and funding. HESA statistics indicate that 26% of Law research centres’ funding comes from EU Government bodies (placing law as the fifth ‘worse off’ discipline in the UK to be financially affected by Brexit).[[45]](#footnote-45) Furthermore law is consistently ranked within the top ten disciplines that are seeing the *highest number* of EU lecturers leave following the Brexit referendum.[[46]](#footnote-46) Given that Wales is recognised as a net beneficiary of EU funds, as well as a region that relies *more heavily* on EU and international student income than other regions of the UK, more empirical research is needed to understand UK, EU and international students perceptions as to the effects of Brexit on their legal education (notably, against a backdrop of less research funding coming from EU sources).

**2. The Empirical Study: Surveying Students**

Motivated by the need to advance discussions beyond trade and financial statistics, this research sought to understand the human aspects of Brexit in providing a first-hand account of what current learners perceive to be the consequences for the future of legal education in Wales. In total, 336 students from all law schools in Wales, at the universities of Aberystwyth, Bangor, Cardiff, South Wales and Swansea; were surveyed. In order to gauge this group’s opinions, an online survey was distributed with a total of 12 questions, containing a combination of both fixed-end and open-ended text comment responses. The survey invited participants to comment on a range of topics, including: whether they were for or against Brexit; whether they felt Wales would become a *less* or *more* attractive place for EU and international students to come and study, and for lecturers and researchers to come and work; whether they felt their law degree would be affected as a result of Brexit; and whether their opinions of EU law had changed as a result of Brexit.

**2.1 Study Methodology**

In order to capture students’ views, the online survey consisted of ten questions warranting ‘fixed end’ responses, so as to produce quantitative data for ANOVA and post-hoc Tukey statistical tests.[[47]](#footnote-47) A further two open ended, free text questions, were included so as to facilitate qualitative analysis to confirm and explain the reasons for the quantitative statistical trends.[[48]](#footnote-48) The authors were minded to keep the level of questioning short and concise, so as to identify key themes and concerns held by respondents, whilst also keeping the time to complete the survey short (so as to encourage higher levels of participation).

A response rate of 336 students is estimated to represent 23% of the total number of law students studying in Wales, which surpasses the response requirements to validate an empirical study,[[49]](#footnote-49) and is statistically higher than other legal education empirical investigations,[[50]](#footnote-50) including those pertaining to Welsh universities.[[51]](#footnote-51) This higher response rate was achieved by utilising three approaches to disseminating the invitations to participate. First, as is custom, a request to disseminate the information was sent to all administrators within the respective university faculties. Second existing networks amongst Welsh law school were utilised so as to help promote participation in the survey (for example via staff and student mooting networks). Finally, adopting a pedagogically informed approach to collating data and in viewing students as partners in this investigation, student societies were instrumental in promoting awareness of the survey via social media, and encouraging participation from their peers at the other Welsh universities.[[52]](#footnote-52)

**2.2 Demographic of Respondents**

Of the 336 students surveyed, students categorised themselves as: 37% UK (English); 18% UK (Welsh); 3% UK (Northern Irish); 28% EU (Non-UK); and 15% International (Non-EU).[[53]](#footnote-53) 84% of respondents were studying on undergraduate degrees, with the remaining 16% studying at postgraduate level (on either a postgraduate taught, or postgraduate research, programme).

So as to understand law students’ stance on the topic, respondents were firstly asked a series of statements based on whether they were: i) eligible to vote in the referendum; ii) and if so, whether they did vote; and iii) how they did/or would have voted. 40% stated that they were eligible to vote, and voted to remain in the EU; 9% stated that they were eligible to vote, and voted to leave the EU; a further 5% stated that they were eligible to vote, but did not vote. 12% of respondents indicated that they were UK citizens and would have voted to remain, but were not eligible to vote in the referendum in 2016 (owing to age restrictions). By contrast only 3% of the respondents stated that they were UK citizens, and would have voted to leave, if they were eligible to vote in the referendum in 2016. The remainder of the responses came from non-UK students, accounting for a further 29% saying they would have voted to remain, and only a further 3% indicated they would have voted to leave. Interestingly no non-UK, or UK voter under the age required to vote at the time of the referendum, said they would not have been interested in voting in the referendum (had they been eligible).

So as to map how students’ opinions may be different now, in 2018, compared to their thoughts in 2016, respondents were asked, based on their opinion at the time of referendum on the 23rd June 2016, whether they considered themselves for or against Brexit. They were thereafter asked whether their opinions had changed today in 2018. The results are as follow:

**Chart 1: Changes in Students’ Views Within Wales’ Law Schools**

It is clear from the initial results of the survey that law students studying at Welsh universities are against Brexit (particularly when comparing this survey’s result with the 48.1% “remain” versus 51.9% “leave” split in the national 2016 Brexit referendum). Interestingly whilst the views of respondents stayed largely the same, when comparing views at the time of the referendum to what they are now, 7 Pro-Brexit students changed their mind and held anti-Brexit sentiments by 2018. This 2% change of view in 2016, compared to 2018, whilst prima facie may appear minute, is statistically significant given the marginality of the national leave result. If this change in opinion was reflected more widely on a national scale, such could lead to a majority in favour of remaining within the EU.

Owing to attempts to keep the number of questions contained within this survey to a minimum, information was not collated in such a way so as to draw conclusions as to socio-demographic differences (such as those pertaining to the respondents’ age, background or wealth). However national statistics for the UK as a whole, as collated by the You Gov, indicate that citizens aged 50 and over, were most in favour of leaving the EU. By contrast, the younger generations were more likely to vote remain.

**Chart 2: National Views by Age Demographic**

The same survey also found that there was a positive correlation between lower levels of education, household income, and attention to politics and the likelihood of voting to leave the EU.[[54]](#footnote-54) This slight change in opinion, mostly coming from a generation and sector that is recognised as traditionally being against Brexit, poses two issues that warrant further investigation. First, if there has been a change in opinion amongst the younger generation, there could also be a change in opinion amongst older demographic voters (where the views are generally accepted to be more in favour of Brexit).[[55]](#footnote-55) Second, given the change in demographic over the course of the past two years, as evidenced by this study, there has been a slight generational shift, with greater numbers of now voting age citizens, who hold anti-Brexit sentiments, becoming eligible to cast their vote (which could lead to a different outcome should there be a second Brexit referendum).[[56]](#footnote-56)

Possible reasons for this changing stance towards Brexit could be evidenced within the free-text comments attributable to this question. 32 student responses referred to the feeling that future generations, and in particular students, have been ‘left out of the Brexit negotiations,’ coupled with a sense of not feeling ‘represented in the Governments’ planning.’ Passionate and angry views were expressed pertaining to how the focus on economics and trade (in particular, the idea that once liberated from the EU, the UK could pursue its own unilateral international trade negotiations with non-EU states) has led to politicians forgetting the consequences of their decisions for ‘real people.’ In particular, there was a strong sentiment that none of the UK politicians or political leaders were representing their views in the discussions, or speaking up in the interests of future young professionals.[[57]](#footnote-57)

**3. Student Perceptions’ of How their Studies will be Affected**

From the outset it was necessary to understand whether law students in Wales, in their own opinion, were concerned that Brexit would have consequences for them, if any at all. In order to measure such thoughts, a question was posed on a sliding scale from 1 to 100, inviting students to position how worried they were along the scale (with 1 being “not worried at all”, and 100 being “very worried”). Accounting for all responses, the average rating of concern was 58/100 (i.e. the sample being more concerned than not), with 32% rating their concern as 70 or more out of 100; and 8% giving a full 100/100 concern. By contrast only 2% rated their concerns as being less than 10/100, and no respondent indicated a response of 0/100 (i.e. “not worried at all”).

Before posing more specific questions, students were also asked the broad question of whether they felt their law degree would change as a result of the UK’s decision to withdraw from the European Union, and if so, in their opinion, how they believed it could change. 55% of respondents felt it would change, with 45% believing it would not. From the text comments received there were four broad themes as to what students felt could happen in the coming years.

Firstly, a *prevalent* theme coming from the responses of EU and international law students was that of the *perceived de-valuing* of a UK law degree, and the feeling that it would no longer carry the same prestige that it once did. Six text comments from EU students specifically referred to how they were aware that their continental European Professors had already actively discouraged future Erasmus and joint degree students from coming to study law in the UK and Wales; with some citing that the future partnership agreements between UK and EU law schools would have to be revised or changed. The justification for such was often cited as being the uncertain future for EU citizens wishing to study in Wales; and UK citizens no longer wanting to welcome EU students to its cities.[[58]](#footnote-58) The view of one EU student summarises these thoughts:

“I’m a French citizen…I thought that I was going to live in the UK after graduating, but I now think that I will move back to mainland Europe as the UK has become more racist and open about discriminating against EU citizens. Our human rights and freedoms are not guaranteed here.”

Comments of this nature related to how, upon leaving the EU, EU students felt they might lose their EU guaranteed rights (i.e. the right not to be discriminated against owing to not being a UK national). Pertinently fears were expressed by EU students that the UK Government could take a radical and unstable approach in flexing its “highly prized sovereignty rights”[[59]](#footnote-59) and no longer abide by the tenets of “EU Directives; and instead seek to diverge from the EU position, rather than maintain regulatory alignment.”[[60]](#footnote-60) Interestingly, in some instances, these views were similarly held by international students, who felt that Brexit evidenced a will by the “British people not…(wanting)…foreigners studying on their shores.”[[61]](#footnote-61) Such reaffirms the urgent need for the UK and Welsh Governments to address the concerns of EU and international law students, to take action that will continue to incentivise studying law at UK universities; and also reassert the message that such learners are welcome to the UK.

The *second theme* coming from the initial text comments pertained to concerns about *fewer employment opportunities in Europe for UK students*. Specifically, concerns were raised that their career ambitions, e.g. working in the EU institutions, could no longer be realised. This was coupled with a strong feeling that (because of Brexit) they had “wasted” time in trying to develop legal knowledge, expertise and specialisms in the field of European Union Law. Such indicates that, even though it is highly probable the UK will maintain regulatory alignment with EU rules, the future generation of law students in Wales are, on the whole, already starting to see EU law as a relatively closed off future career path for them to research, specialise, and practice in. The reality is, post-Brexit (and without foresight of any firm agreement between the UK-EU on the free movement of workers), opportunities within the EU institutions for UK law students will inevitably be fewer. Non-EU citizens cannot work as officials (permanent officers) for any of the EU institutions, as one of the employment conditions is to hold an EU passport. Non-EU students can still apply for a small number of internships, which lasts 5 months at the European Commission, but this will not render them eligible to become EU officials. In some cases, non-EU/EEA nationals can also work as seconded experts in certain fields (where there is a skills shortage in that specialism).[[62]](#footnote-62) After Brexit, there may also be scope, in absence of a working trade deal between the UK and EU, for highly skilled lawyers to gain employment opportunities within EU Member States as part of the EU Blue Card network (similar in fashion to the US Green Card scheme), however currently the UK, Ireland and Denmark do not subscribe to this initiative.[[63]](#footnote-63)

Whilst the options for UK nationals to train and work within the EU institutions will inevitably be reduced, conscious efforts need to be made both by Governments and law schools, to address current student employability concerns. It is documented within existing pedagogical studies that law students have a favourable student experience, and succeed best in terms of attainment when the gap between their study expectations and the reality of their experiences are narrowed, either via the lecturers directly addressing them in the classrooms, or alternatively via interventions that respond more to what students’ expect.[[64]](#footnote-64) It is for these reasons that apathy towards the study of EU law, and the potential career options in its related fields, need to be collectively addressed within the context of Brexit (and not ignored). This is so as to assist with student motivation for the discipline and their career ambitions, which, pedagogically speaking, is known to translate to their motivation and performance in the related modules. In this regard, Governments and Higher Educations institutions need to promote alternative career opportunities, and not allow the current ‘atmosphere’, as highlighted by our study, discourage those who have an enthusiastic interest in studying and researching EU law, from doing so (not least because the UK will continue to need EU law experts, even in the event of a no-deal scenario). Such specialists will be needed in order to understand the historical basis for our own laws; as well as the infrastructure, laws and customs of the UK’s closest trading partners; but also because of the need to intrinsically understand the rights, freedoms and liberties of the 1.3 million people born in the UK living in other EU countries; as well as the 2.9 million EU citizens already living in the UK (making up 5% of the total 63.7 million UK population).

The *third* and *fourth themes* more specifically pertained to the relevance of studying European Union law; and whether there would be a need to re-train, following Brexit, in order to gain a more advanced understanding of UK constitutional principles and customs. Both of these themes are discussed more fully below.

**4. Students’ Perceptions of European Union Law**

In gauging students’ views of European Union law in light of Brexit, a specific question was asked as to whether learners’ perceptions of the module had changed following the UK’s decision to withdraw, and if yes, how? 36% of learners felt their perceptions of EU law had changed, with 64% indicating that their views of the subject would not change. Interestingly of the 36% *who indicated a change in opinion* to the subject, *84% were UK nationals*.

When looking specifically at the text comments received by UK students in relation to this question, across all the open-ended responses, comments were made relating to the future relevance of having European Union law as a standalone Qualifying Law Degree module in the UK. Perhaps naively, UK students stated that the module should no longer be compulsory when the UK leaves the EU. On the other hand, some respondents referred to how the historic and intrinsic links between UK and EU Law is evidence that greater emphasis should now be placed on public law teaching in its broader sense; with the history of the European Union and UK membership featuring as a component of introductory constitutional law course (to understand the history of how the UK’s legal framework and constitutional conventions have developed). As one respondent remarked:

“I believe we need to more greatly understand EU law, so as to understand what we are divorcing ourselves from. Also, the ‘Great Repeal Bill’ has made it clear that EU law will now, for the foreseeable future, become UK law. If we are to change UK law, we need to more fully understand the reasons behind the original EU law (in terms of understanding its origins, purpose and motivations). Our country needs us, as the future generation of lawyers, to understand this more than ever (given we stand to lose future EU oversight).”

Others referred to concerns that, in the absence of the EU freedoms, and a result of no post-Brexit UK-EU trade agreement being achieved, that instead studying World Trade Organization rules should instead be taught as a compulsory component of the LLB.

It is perhaps not surprising that UK law students in Wales have changed the way they view EU law, and the career opportunities the discipline can now offer post-graduation, particularly when accounting for the wider context of these perceptions. Given anti-EU domestic media coverage in the UK;[[65]](#footnote-65) coupled with anti-EU law stances adopted by some politicians and Cabinet ministers;[[66]](#footnote-66) it is perhaps not surprising that students in Wales hold these views. In order to respond to these students’ concerns, which question the relevance of EU law post-Brexit; greater emphasis is now needed on publicising and promoting awareness of the role and relevance of EU law within the UK, irrespective of the outcome of the Brexit negotiations.

**5. Less Attractive Places to Study, Lecture and Research**

One of the core concerns raised in the introduction to this paper was the question of whether the UK and Wales would be able to continue to attract high numbers of talented EU and international law students, lecturers, and researchers post Brexit. Consequently, a series of questions invited respondents to comment on whether they thought Brexit makes Wales a more or less attractive place for: i) other (non-UK) EU students to come and study; ii) non-EU (international) students to come and study; iii) other (non-UK) EU lecturers and researchers to come and work; or iv) non-EU (international) lecturers and researchers to come and work.

**5.1 A Less Attractive Place to Study for EU and International Law Students**

Concerningly, the results indicated that 84% of students surveyed believed that Wales would become a less attractive places for EU students to come and study law.[[67]](#footnote-67) Whilst collectively the group felt that Brexit would have less of an impact on non-EU students (with 42% believing less non-EU students would come to study law in Wales) interestingly the results found that, when focusing on just the responses of non-EU students, 96% of them felt that Wales was going to become a less attractive place to come and study law. Given Wales’ law schools higher dependency on EU and international students; coupled with Welsh universities higher than average dependency on EU research funds; it is therefore fair to assume that the financial viability of Wales’ law schools in future years is set to encounter further significant challenges. Such findings re-emphasise the need for the Welsh and UK Governments to work with Higher Education institutions to incentivise international student study, and reassert that overseas students are welcome. In a fiercely competitive international law student environment, Higher Education establishments need such solutions and proposals promptly, so as to not hinder their ability to recruit in markets where international competitors are waiting to capitalise on UK universities’ uncertainty.

Beyond these financial implications; fewer EU and non-EU law students studying at Welsh universities could have damaging implications for the future generation of Welsh lawyers’ exposure to an international learning environment; their awareness of international career opportunities; as well as their international outlook.

**5.2 A Less Attractive Place to Work for EU and Non-EU Lecturers and Researchers**

In assessing the risk to Welsh law schools’ employees, current online staff profiles, on the respective universities’ websites, indicate that, prima-facie, there are at least 165 full time tutors, lecturers, senior lecturers, readers, associate professors, and professors working within the law schools at the universities of Aberystwyth, Bangor, Cardiff, Swansea and South Wales. Of these, it is suggested, by the biographical descriptions, that at least 53 are non-UK nationals (i.e. nationals of other-EU or international countries).[[68]](#footnote-68) Collectively such individuals make up nearly a third, or 32% of Wales’ law academics. Noteworthy is how many of these 53 are holding the status of senior lecturers, readers, associate professors and professors within our Universities (with 29 out of the 53 holding positions with higher academic titles). When looking at online profile specialisms, 77% of the international and EU academics in Welsh law schools are recognised as specialists in subjects that traditionally attract the *highest numbers* of international law students, for example: human rights law; humanitarian law; EU and international trade law; international procurement law; and international public law. If these lecturers were to collectively leave Wales’ law schools, there would be significant consequences for Welsh universities, in terms of limiting their capacity to be able to continue to offer an *attractive array of specialist programmes with an international student appeal*, mostly at postgraduate level (without replacement specialists). These concerns are even more pertinent when it is already known that 2,300 EU lecturers have already left UK universities.[[69]](#footnote-69)

However, these risks are *also prevalent* amongst undergraduate law programmes, including Welsh law schools’ abilities to deliver the core requirements of a QLD programme.[[70]](#footnote-70) For example, across all of Wales’ law schools, there is currently *only one UK national* teaching a compulsory EU Law module, with the rest being led and taught by EU nationals. It is appreciated that should EU and international staff leave Wales’ law schools in significant numbers, institutions could recruit expertise from elsewhere in the UK, or further afield. However, against the background of a potential reduced interest in coming to study law in Wales (amounting to reduced financial income for universities) as well as UK students not readily seeing EU law as an attractive or viable career option for them post-graduation, Wales’ law schools (and indeed all those in the UK) could, in the future, face an EU law expertise shortage post Brexit if insufficient proposals to remedy existing concerns are not implemented.

Within this study, 82% of students currently believed that Brexit made Wales a less attractive place for EU lecturers to teach and research.[[71]](#footnote-71) Again, collectively the group felt that Brexit would have less of an impact on non-EU lecturers, with 9% believing international lecturers would leave. However, when focusing on just the responses of non-EU international students, 88% of them felt that the UK was going to become a less attractive place for non-EU specialists to come and work. Concerningly, several text comments from one Welsh university’s students referred to how four non-UK EU lecturers had already left their law school, and they were aware that other non-UK lecturers were similarly preparing to either leave academia, or further their academic careers elsewhere in continental Europe.

In this regard comparatives can be drawn with other public sector industries, for example the National Health Service. In recent months the British Medical Association has reported that almost one fifth (19%) of EU doctors have made plans to leave the UK following the Brexit vote.[[72]](#footnote-72) If Higher Education in Wales follows a similar trend (of a fifth less EU academics) Welsh universities’ abilities to deliver various specialist courses, as well as secure research grants (by relying on overseas academics’ expertise) will be hindered. Given that the UK could stand to become a less attractive place for EU lecturers to work, the UK might have to look internationally to fill its skills gaps within our lecture halls. Whilst this study found that international (non-EU) students view the UK and Wales as an unattractive place to further their academic career; even if Wales was able to attract talented candidates from outside the EU, artificial caps on the number of tier 2 visas being issued to non-EU workers are already causing substantial complexities for other public sector industries (in being unable to fill current vacancies owing to targets to cut immigration numbers from outside the EU).[[73]](#footnote-73) If universities follow a similar pattern, this could further exasperate pressures on immigration caps, and lead to Welsh universities being unable to fill vacancies in subject areas that have traditionally had international appeal.

It is often said that law students are the best ambassadors for our UK and Welsh universities. With far-reaching international impact, current and former law students can return to their home countries, reach the pinnacles of a distinguished legal career, and advocate the extensive benefits of studying law in Wales and the UK. However, if such groups are currently questioning how attractive the UK is, at a time when they are already internationally minded to reach out for opportunities in Wales, by virtue of them already studying law in the UK, this does not bode well for future generations of EU and international law students wishing to come and study in the UK; nor for the future of legal education in Wales. Such findings reemphasise the need to provide clarification on the situation and rights of EU law lecturers in the UK; whilst also providing reassurance to international lecturers that their expertise are valued in Wales.

**6. Students’ Perceptions as to the Immediate Consequences of Brexit on Legal Education**

So as to quantify and rank students’ perceptions as to their immediate concerns regarding the effects of Brexit, a series of 14 fixed-end statements (relating to their programme of study; university experience; future economic prosperity, career prospects and employability; and future travel options) were given, inviting respondents to state whether they strongly agreed, agreed, neither agreed nor disagreed, disagreed, strongly disagreed, with a series of statements.[[74]](#footnote-74)

Utilising ANOVA and post-hoc Tukey statistical tests, the results evidenced that some questions demonstrated statistically significant differences. The authors are therefore confident that the most pertinent concerns held by law students in Wales in relation to Brexit (in descending order of importance) are: first, the effect the decision will have on their travel options outside the UK; second, the impact on their long-term career prospects; and most pertinently, the effect Brexit will have on their economic prosperity.

**Chart 3: Students’ Perceptions in Relation to Fixed-End Questions**

On the whole, law students across all law schools in Wales took a strong anti-Brexit stance with two exceptions. The responses to the fixed end questions (as illustrated above), as well as the opportunity for open-ended text comments, indicated that UK students felt that the study of European Union law was going to become less relevant for them; and instead they will pursue interests in studying more areas of international comparative law.[[75]](#footnote-75)

Free text comments in relation to this final question largely focused on how Brexit would have a negative impact on the UK economy, and thus further limit the future generations’ career prospects and ability to secure employment within the EU. Other comments recognised that Brexit was likely to have a negative impact on their university experience and legal education, namely through cutbacks with fewer students and staff; as well as concern that there would be fewer opportunities to travel abroad on field trips (for example via those to the EU institutions); less scope for overseas work experience placements (owing to visa restrictions, or a perceived unwillingness to take UK students on EU work placements); as well as concern that those studying on a law with language degree will be excluded from participating in their Erasmus years abroad in France, Germany, Italy or Spain.

**7. Brexit and Its Consequences for the Future Internationalised Legal Education within Europe**

Having analysed the perceptions of law students in Wales as to the effects of Brexit, three international issues arise from the findings of this study. Firstly, what does Brexit mean for the future of internationalised legal education across the EU. Secondly, whether Brexit sentiments could be replicated elsewhere amongst existing EU Members, and what such would mean for Europe’s existing internationalised legal education model. Finally, what can the UK expect from Brexit, in joining the list of European countries who are not currently Member States, and the ways by which they attract EU students.[[76]](#footnote-76)

**7.1 The Effects of Brexit on Legal Education within Europe**

Whilst this paper has focused on the effects of Brexit for Welsh law schools’ perspective, it is all too often unappreciated that there are also detrimental consequences for the other EU States. Despite consisting of a mixture of common and civil law jurisdictions, the foundations of Europe’s legal systems share some common features,[[77]](#footnote-77) and within its modern-day history UK academics and judges have played a key role in developing EU law.[[78]](#footnote-78) Within the European Court of Justice (ECJ),[[79]](#footnote-79) whilst most of the court’s judges’ were educated within their respective jurisdictions, five of its members read law within the UK,[[80]](#footnote-80) placing UK law schools as the top jurisdiction where the courts’ members were educated.[[81]](#footnote-81) Furthermore UK universities annually offer in excess of 30,000 Erasmus+ places to Member States’ students; and 13,464 overseas academics have come to the UK via the Erasmus+ staff mobility scheme.[[82]](#footnote-82) On the world stage UK academia is recognised as being within the top 20 countries for collaborative research by 13 EU Member States.[[83]](#footnote-83) Such figures are indicative that UK legal education and universities have traditionally had an important, and valued, role to play in educating and collaboratively working with continental European lawyers and law students. Should the views expressed by Wales’ current overseas law students be indicative of a wider changing attitude by Europeans towards UK legal education, then future generations of European lawyers may be disinclined, or if insufficient agreement is reached, unable, to avail themselves of the vast legal expertise and skills being taught within the UK universities.

**7.2 The Potential Consequences for Legal Education if Other Member States Followed Brexit**

Whilst the results of this study indicate that overseas students are overwhelming against Brexit, another issue is that of whether the cross sharing of ideas across Europe within legal education and the legal sector could be under further threat from Euroscepticism i.e. whether Europe’s internationalised legal education model could be affected by further EU membership referenda.

It was predicted by some that the rise of populism within Europe was an irreversible trend, and that Brexit and Euroscepticism would lead to ‘leaving Europe’ being emulated elsewhere by other Member States.[[84]](#footnote-84) Nonetheless, following elections in Austria in 2016, and Spain in 2016, and Italy in 2018, the ‘doomsday’ predictions that populism would continue to gain traction did not become a reality.[[85]](#footnote-85) In fact, the most recent YouGov data from 2016 indicates that no other Member State’s citizens (out of the 11 other surveyed) envisaged leaving the EU would be a reality in the immediate future.[[86]](#footnote-86)

**Chart 4: A survey of EU citizens’ thoughts as to how likely it was that their country would leave the EU in the next ten years**

The above data indicates that contrary to populist predictions, other EU Member States have in fact become more in favour of closer Union following the Brexit vote, suggesting that further instances of withdrawal referenda are unlikely. [[87]](#footnote-87)

Within the context of law, this is not to suggest that Euroscepticism does not exist elsewhere. For example, the UK’s sentiments towards the notion of ‘sovereignty’ are not idiosyncratic, with other Member States similarly not wishing to defer matters to the ECJ. Similar conceptions of sovereignty and the role of the national legislature and judiciary have been recognised within Scandinavian countries.[[88]](#footnote-88) As Wind remarks:

…in Denmark, Sweden, and Finland (but to a much lesser extent Norway), unlimited majoritarian democracy for centuries trumped any conception of constitutionalism. In Scandinavia, there was either no tradition for practicing judicial review at the national level or alternatively it was directly forbidden under national constitutions until 2000. [[89]](#footnote-89)

Whilst this has legally changed, politically, these anti-supranational court sentiments, particularly in Denmark, have led to very few cases being referred to the ECJ, alongside a reluctance to cite ECJ jurisprudence within these countries’ highest courts.

However, within these Eurosceptic countries it has been recognised that rather than Brexit being seen an opportunity to ‘destroy’ the EU, it is an opportunity to reform it.[[90]](#footnote-90) Within the context of the legal profession and legal education, such is testament to an innovative approach by EU leaders to embrace Euroscepticism to facilitate new opportunities, post Brexit, for the gap left by UK legal experts to be filled by reformists, whilst inspiring future generations of continental lawyers to seek opportunities for employment within the EU institutions in order to facilitate such change. Consequently, contrary to Brexit having consequences for the EU’s internationalised law models, UK withdrawal could be attributed in the future to amounting to a stronger Union, and greater initiatives to strengthen collaboration, legal innovation and reformist ideas amongst future generations of law experts (with the UK sitting outside such developments, as a non-member).

**7.3 Insights from Other Non-EU European Countries**

Such findings lead to the question of what the future for UK legal education may look like outside of the EU. It is difficult to draw strict comparisons with other European Non-Member States,[[91]](#footnote-91) insofar as none have Higher Education representing as significant percentage of GDP as the UK does. Perhaps the closest comparison the UK can draw, in terms of international appeal and English medium courses, is that with Norway. Annually there are approximately 265,000 students registered at Norwegian universities, with approximately 25,000 of those coming from other countries (equating to 9.4%).[[92]](#footnote-92) In the latest available figures for 2017, Norway had 35,047 students studying ‘social science and law’ degrees, with less than 10% coming from overseas.[[93]](#footnote-93) By contrast the UK as a current Member State has 442,375 overseas students studying within its universities, with 19% of those coming from overseas.[[94]](#footnote-94) Therefore outside the EU, Norway has been unable to attract as many international learners as the UK. Putting such into context, it is also noteworthy that Norway attracts a lower number of overseas students despite offering free education (with no-tuition fees for learners) compared to fees of approximately £9,000 and above in the UK.[[95]](#footnote-95) Should the findings of this study emanate further amongst EU and international learners currently overseas, and such groups are not valuing UK legal education as prestigious and worthy as it once was, the UK may have to revisit its current offering and financial incentives for studying law within the UK, if it is to continue to offer competitive and attractive degrees amongst its competition as a non-EU Member State. However, given the current financial climate within UK Higher Education, this may place even further unviable strains on UK universities and Government resources, demonstrating that moving towards a system of no tuition fees (within the UK’s current model) is highly unlikely.[[96]](#footnote-96) Furthermore, a move towards such a model would put further strain on UK universities become further commercialised entities, in another shift away from the traditional values that are prized as synonymous with a British legal education.[[97]](#footnote-97)

**8. Concluding Thoughts: Addressing Students’ Concerns**

Whilst this research has sought to understand and respond to the views of current law students in Wales, it is probable that the views expressed by students in this study would not be that dissimilar to other law schools throughout the rest of the United Kingdom. Nonetheless there is scope for further research to explore whether the two percent change in opinion amongst law students (from pro- to against- Brexit) is more widely reflected in other regions and sectors of the UK that were traditionally perceived to be in favour leaving the EU. If such a trend is reflective of a national change in opinion, then such could lead to an alternative outcome, given the marginality of the previous result. When focusing more widely on employability and skills development, further research could be conducted to understand the perceptions of employers and law firms (in relation to what they perceive to be the options for graduates of the future, and potential future skills gaps within the UK legal profession); as well as further studies to understand the thoughts of students outside the UK, by repeating the survey within continental European law schools.

Nonetheless, this research has found that the most pressing challenges for law schools in Wales are EU and international students concerns that UK law degrees are not as prestigious as they once were and have been devalued following the Brexit vote. If such strong sentiments are expressed amongst these current students, i.e. those who are already in the UK, such does not bode well for Wales’ reputation and ability to continue to attract significant numbers of overseas students, and their previous prestigious and valued role in educating and collaborating with Europe’s lawyers, jurists and law students. Nonetheless, based on the international comparatives with Norway, it may be necessary to revisit the incentives for overseas students to study in the UK (if UK universities are to continue to be attractive places to read law), which could in turn run the risk of devaluing the UK law schools status.

Coupled with this is the potential impact on Welsh Law Schools’ losing their current EU and international lecturers, following the unknown implications of ‘Brexodus;’ particularly given that Welsh law schools are predicted to have a third of their workforce coming from overseas jurisdictions, with these staff teaching 77% of Welsh universities’ international law specialisms, and 80% of their EU law courses. Should overseas academics decide to leave Welsh law schools in significant numbers, there will be a significant skills gap which will seriously threaten and impair Wales’ capability to deliver its current vast array of legal specialisms. Not least in terms of EU law, where in Wales there is only one known UK native teaching the subject. In the absence of a detailed understanding of the future relationship between the UK and EU, current UK law students do not appear likely to fill these skills gaps as they progress with their careers, particularly given the high numbers no longer view EU law as a viable career choice for them to pursue post-graduation.

In this regard, this paper makes six proposals for how Governments and Higher Education institutions can work together to address current student concerns as to Brexit. Firstly, greater clarity and reassurances are needed in order to advise future generations of their travel rights within the EU area post-Brexit, as well as career options both within continental Europe and within the UK. Second, reassurances need to be given as to the value of EU law as a viable and influential comparative specialism to pursue post-graduation. Thirdly, universities need more information from Governments as to the future for EU students studying in the UK, so as to offer guidance and reassurance to their EU students and EU partner universities (with a view to either maintaining or revising existing memorandums as to their future working relationships). Fourth, Welsh and UK universities need governmental support to explore strategic opportunities to partner with non-EU universities to look at opportunities in new markets. Fifth, law schools need to internally review current law programmes, in conjunction with the professional bodies, such as the Bar Council and Law Society, so as to consider how Brexit can be accommodated as part of their existing programmes and routes to qualification, as well as consider how more international focused modules can be introduced so as to encourage learners to still pursue an international career beyond the EU’s borders. Finally, and particularly in light of recent criticisms of the hostile environment for foreign nationals in the UK,[[98]](#footnote-98) Governments needs to strategically work with universities so as to explore new ways for making UK and Welsh institutions even more attractive to overseas students (in-light of their current concerns), for example, by exploring new and emerging overseas markets, by offering more distance and blended learning courses, and by revisiting the attractiveness and user-friendliness of current international tier 4 student visa rules.

There are four core reasons why Governments and Higher Education institutions need to work collaboratively in order to address these concerns: firstly, so as to enable universities to continue to be able to recruit high numbers of EU and international law students (at a time when their contributions (financial and otherwise) are so vitally needed within our lecture halls; but also nationally, in terms of GDP). Secondly, to empower Welsh law schools to recruit and retain the best law lecturers and professors for teaching within our institutions, in order to maintain internationally recognised standards. But also, so as to ensure that there are no further pressures on the artificial international visa caps, by creating demand in the Higher Education sector, through the departure of EU academics, particularly when the current visa issuance limits are already being overwhelmed by the demands from other public sector industries. Thirdly, so as to ensure there are reduced skills gaps within our law programmes, so as to enable Welsh universities to continue to offer a vast array of international specialisms. Finally, and perhaps the most often to be undervalued (which is ironic given the results of these investigations proving that learners highly value and are concerned about it) is the need for this reassurance to come promptly for the benefit of UK students, so they can continue to enjoy access to an internationalised law curriculum and enriching student experience in Wales.

**--------------------------------------------------------------------------------------------------------------------------**

**Appendix: E-Survey**

***Question One:******Which of the following categories best describes you?***

Undergraduate Student at Bangor Law School

Postgraduate Student at Bangor Law School

Undergraduate Student at Aberystwyth Law School

Postgraduate Student at Aberystwyth Law School

Undergraduate Student at Cardiff Law School

Postgraduate Student at Cardiff Law School

Undergraduate Student at Swansea Law School

Postgraduate Student at Swansea Law School

Undergraduate Student at the University of South Wales Law School

Postgraduate Student at the University of South Wales Law School

***Question Two:*** ***Which of the following categories best describes you?***

UK (English) Student

UK (Welsh) Student

UK (Scottish) Student

UK (Northern Irish) Student

EU (Non-UK) Student

International (Non-EU) Student

***Question Three:*** ***Were you eligible to vote in the referendum on membership of the European Union which took place on the 23rd June 2016? If yes, how did you vote?***

Eligible to vote, and voted to remain in the EU

Eligible to vote, and voted to leave the EU

Eligible to vote, but did not vote

Not eligible to vote, but would have voted to remain in the EU (UK citizen)

Not eligible to vote, but would have voted to leave the EU (UK citizen)

Not eligible to vote, and would not have voted (UK citizen)

Not a UK citizen, but would have voted to remain in the EU (if I could have voted)

Not a UK citizen, but would have voted to leave the EU (if I could have voted)

Not a UK citizen, and would not have been interested in voting (if I could have voted)

***Question Four:*** ***Based on what you thought on the 23rd June 2016, would you consider yourself pro- or against- Brexit?***

Pro-Brexit

Against Brexit

***Question Five:*** ***Based on what you think now in 2018, would you consider yourself pro- or against- Brexit?***

Pro-Brexit

Against Brexit

***Question Six:*** ***Do you feel your law degree programme will change following the UK's decision to withdraw from the European Union?***

Yes

No (Comments Box)

***Question Seven: Have your perceptions of EU law changed following the UK's decision to withdraw from the European Union...if yes how?***

Yes

No (Comments Box)

***Question Eight: Based on your perceptions, following the EU membership referendum, do you feel the UK has become: (Likert style: options included ‘more’; ‘less’;*** ***‘neither more or less attractive (no change)’; and ‘unsure/do not wish to answer’)***

A more or less attractive place for EU students to come and study

A more or less attractive place for Non-EU students to come and study

A more or less attractive place for EU lecturers and researchers to come and work

A more or less attractive place for Non-EU lecturers and researchers to come and work

***Question Nine: Based on your personal perceptions of the below statements, please indicate whether you strongly agree, agree, neither agree or disagree, disagree, or strongly disagree with the following statements (or do not know): (Likert style)***

Brexit will have a positive impact on my employability upon graduation

Brexit will have a positive impact on my long term career prospects

Brexit will promote economic prosperity for the UK

Brexit will have a positive effect on my University experience (University wide)

Brexit will have a positive effect on my legal education (Law School specific)

Brexit will encourage me to study more areas of comparative law

Brexit will encourage me to study more areas of European Union law

Brexit will restrict my travel options outside the UK (general)

Brexit will restrict the number of overseas field trips I can participate in as part of my law degree

Brexit will limit my career prospects

Brexit will have negative consequences for economic prosperity in the UK

Brexit will have a negative effect on my University experience

Brexit will have a negative effect on my legal education

Brexit will discourage me from studying more areas of comparative law

Brexit will discourage me from studying more areas of European Union law

***Question Ten:*** ***On a scale of 1 to 100 (1 being not worried at all, and 100 being very worried) how concerned are you about the effects of Brexit on your education? (Sliding scale style question)***

***Question Eleven: Please list (in priority order) what you feel the top three consequences of Brexit will be for legal education: (Open text boxes)***

1

2

3

***Question Twelve: Any other comments you would like to make? (Open text box)***

1. The authors are respectively: Lecturer in Constitutional and Administrative Law; Professor in Commercial Law and Head of Law School; and Lecturer in Innovation and Procurement, all of Bangor Law School, Bangor University, UK. The authors express their gratitude to Hywel Williams, Member of Parliament for Arfon and Member of the House Commons’ Select Committee on Exiting the European Union; for his comments on this research project. Thanks also to Plaid Cymru’s parliamentary staff, including Rhian Medi-Roberts, Office Manager at the House of Commons, for her ideas which led to this research project; and Heledd Brooks-Jones, Policy Adviser, for her support. The views expressed within this paper, as well as any errors, are attributable to the authors alone. [↑](#footnote-ref-1)
2. Specially the Universities of Aberystwyth, Bangor, Cardiff, Swansea and South Wales. The survey response of 336 students is estimated to represent 23% of the total number of law students studying in Wales, demonstrating the significance of this investigation. [↑](#footnote-ref-2)
3. Throughout this paper reference is made to “EU students and lecturers” as being all other EU nationals (excluding the UK); the term “international students and lecturers” is used to denote all other non-EU nationals; the term “overseas students and lecturers” is used to refer collectively to both EU nationals (other than the UK) and all other internationals citizens (i.e. non-EU). All figures in this paper are rounded up to the closest whole percent. [↑](#footnote-ref-3)
4. T Robinson (ed) ‘Brexit Reading List: Legal and Constitutional Issues’ (House of Commons Briefing Paper 7702 20 December 2017); for commentary, see F Fabbrini (ed), *The Law and Politics of Brexit* (OUP, 2017). [↑](#footnote-ref-4)
5. The Legal Education Foundation, “Guidance – Brexit” (The LEF, 2017) available online at: <https://www.thelegaleducationfoundation.org/guidance-brexit> accessed 28th May 2018. [↑](#footnote-ref-5)
6. For a list of just some funded projects, including those by Liberty; Unlock Democracy; the Public Law Project and Amnesty International, see the Legal Education Foundation, ‘Funded Projects: Implications of Brexit’ (The LEF, 2018) available online at: <https://www.thelegaleducationfoundation.org/category/grants/f-implications-of-brexit> accessed 28th May 2018. [↑](#footnote-ref-6)
7. For example, see Government Legal Services, ‘Lawyer Vacancies in the Welsh Government’ (Gov.Uk 16 January 2018) available online at: < https://www.gov.uk/guidance/lawyer-vacancies-in-the-welsh-government--2> accessed 28th May 2018. [↑](#footnote-ref-7)
8. For example, see: Welsh Government, ‘Vacancy—Up to 10 Brexit Interns’ (Welsh Government Current Vacancies, 2018) available online at: <https://cymru-wales.tal.net/vx/lang-en-GB/mobile-0/appcentre-1/brand-2/xf-3875bf6c3b74/candidate/so/pm/1/pl/6/opp/4357-Up-to-10-Brexit-Interns/en-GB> accessed 28th May 2018. [↑](#footnote-ref-8)
9. On the 23rd August 2018, in a joint report by the UK Government and European Union, it was stated that ‘following withdrawal from the Union, the UK will continue to participate in the Union programmes financed by the Multiannual Financial Framework (MFF) 2014-202 until their closure.’ As Erasmus+ is one such programme, under the current terms of the Withdrawal Agreement at Stage 1, UK organisations will be able to continue to participate in the Erasmus+ programme until its conclusion. Whilst such does provide some clarification as to the arrangements in the interim, such does not provide long term clarity as to the status of EU students wishing to study within the UK in the long-term (post 2020). For report see: ‘Joint Report from the Negotiators of the European Union and the United Kingdom Government: On Progress During Phase 1 of Negotiations’ (Gov.uk 8 December 2017) available online at: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/665869/Joint\_report\_on\_progress\_during\_phase\_1\_of\_negotiations\_under\_Article\_50\_TEU\_on\_the\_United\_Kingdom\_s\_orderly\_withdrawal\_from\_the\_European\_Union.pdf> accessed 20th September 2018. [↑](#footnote-ref-9)
10. See part: 1.1 Mapping the Contribution of Non-UK Students to the UK and Wales. [↑](#footnote-ref-10)
11. A valuable contribution comes from the ‘Brexit and the Law School’ project, funded by the Society of Legal Scholars (SLS), especially the workshop held in Liverpool Law School in June 2017 <www.legalscholars.ac.uk/brexit-law-school-seminars/> accessed 28th May 2018. See also J Guth and T Hervey, ‘Threats to internationalised legal education in the twenty-first century UK’ (2018) 53 The Law Teacher 1; where it is argued that whilst law is often assumed to be jurisdiction specific, there are significant reasons to internationalise legal education, but that in the current climate of Brexit and marketisation of higher education, internationalisation is under threat. [↑](#footnote-ref-11)
12. See 1.1 Mapping the Contribution of Non-UK Student to the UK and Wales for statistical analysis of the number of non-UK students in Wales. [↑](#footnote-ref-12)
13. It is recognised that scholarship within this field is likely to increase in future months. Particularly the Institute of Advanced Legal Studies’ ‘Brexit and the Law School’ event. See: <https://ials.sas.ac.uk/events/event/17251> accessed 4th October 2018. As well as via the commissioned special issue of The Law Teacher, co-edited by Tamara Hervey and Chloe Wallace (with a predicted publication date in March 2019 (currently ‘Exit Day’ and the start of the ‘transition period’). However, whilst papers focus on Scotland and Northern Ireland as case studies, there does not currently appear to be a contribution which focuses specifically on Wales within this series. [↑](#footnote-ref-13)
14. A copy of the full survey can be found in the Appendix. [↑](#footnote-ref-14)
15. For commentary see: V Bogdanor, *Devolution in the United Kingdom* (OUP 2001). [↑](#footnote-ref-15)
16. However following the Wales Act 2017, and a significant improvement in devolved powers to Wales, there is evidence to suggest that there will be greater regulatory divergence in the future, raising further complexities surrounding a separate Welsh jurisdiction. See further: R Percival, ‘How to do things with jurisdiction: Wales and the jurisdiction question’ (2017) PL 249. [↑](#footnote-ref-16)
17. This dichotomy between being both Welsh, in meeting local and national needs, alongside being international, can also be reflected within the responses to Wales’ newly formed Commission on Justice in Wales’ consultation on legal education. See: The Commission on Justice in Wales, ‘Responses to our call for evidence’ (Wales.Gov 2018) available online at: <https://beta.gov.wales/commission-justice-wales> accessed 4th October 2018. [↑](#footnote-ref-17)
18. For a historical overview see: GP Davies, *Cynhaeaf Hanner Canrif: Gwleidyddiaeth Gymreig 1945-2005* (Llandysul: Gomer 2008); A Edwards and D Tanner, ‘Defining or Dividing the Nation? Opinion Polls, Welsh Identity and Devolution, 1966-1979’ (2006) 18 Contemporary Wales 54; D Torrance, ‘A process, not an event: Devolution in Wales, 1998-2018’ (House of Commons Library, Briefing Paper Number 08318, 11 July 2018) [↑](#footnote-ref-18)
19. TG Watkin, *The Legal History of Wales* (University of Wales Press, 2007) Ch 9. [↑](#footnote-ref-19)
20. The importance for Wales of educating and training its own legal minds can be reflected within the achievements of its distinguished academic lawyers who were educated within Wales, including Sir David Hughes-Parry, whose report on the Welsh language in the 1960s led to the passing of the Welsh Language Act 1967. See RG Parry, ‘A Master of Practical Law: Sir David Hughes-Parry (1893-1873)’ in TG Waktin (ed), *Y Cyfraniad Cymreig* (Bangor, 2005) pp. 102-159. [↑](#footnote-ref-20)
21. See part 1.2 Mapping the Contribution of Non-UK Students to the UK and Wales. [↑](#footnote-ref-21)
22. The Complete University Guide ‘Top 10 Most Popular Courses in the UK’ (2018) available online at: <https://www.thecompleteuniversityguide.co.uk/courses/top-10-most-popular-courses-in-the-uk/> accessed 28th May 2018. [↑](#footnote-ref-22)
23. See J Gabbatiss, ‘Brexit: The academic subjects most threatened by Britain leaving the EU revealed’ (Independent, 14th November 2017) available online at: <https://www.independent.co.uk/news/science/brexit-latest-news-uk-university-subjects-risk-list-most-threatened-eu-a8052996.html> accessed 4th October 2018. [↑](#footnote-ref-23)
24. Such as the Institute for Competition and Procurement Studies at Bangor Law School which has received over four million Euros of research funding for its projects from EU INTERREG programmes; and attracts students from across the EU and further afield as part of its LLM in Public Procurement Law and Strategy. See further: <http://icps.bangor.ac.uk/> accessed 28th May 2018. [↑](#footnote-ref-24)
25. Such as the joint French Law and English Law double degree programme offered by Bangor University and Universite Toulouse 1 Capitole (France), which was awarded the Prix Universitaire Robertson-Horsington award by the Franco-British Lawyers Society. See further: <https://fbls.eu/2017/05/01/fbls-awards-2017-prix-universitaire-robertson-horsington-to-universite-toulouse1-capitole/> accessed 28th May 2018. [↑](#footnote-ref-25)
26. For further analysis see *5.2 A Less Attractive Place to Work for EU and Non-EU Lecturers and Researchers* [↑](#footnote-ref-26)
27. In the Solicitors Regulation Authority consultation, the 6 SQE Stage 1 assessments (identified as the 6 functioning legal knowledge assessments were: i) Principles of Professional Conduct, Public and Administrative law, and the Legal Systems of England and Wales; ii) Dispute Resolution in Contract or Tort; iii) Property Law and Practice; iv) Commercial and Corporate Law and Practice; v) Wills and the Administration of Estates and Trusts; and vi) Criminal Law and Practice. EU law does not appear to stand alone as a specific recognised area of knowledge: see: Solicitors Regulation Authority, ‘A New Route to Qualification: the Solicitors Qualifying Examination’ (SRA 25 April 2017) available online at: <https://www.sra.org.uk/sra/consultations/solicitors-qualifying-examination.page>; and Solicitors Regulation Authority, ‘Exiting the EU: An update for lawyers’ (SRA September 2016) available online at: <http://www.sra.org.uk/risk/resources/exiting-eu.page> both accessed 28th May 2018. For analysis see: C James and J Koo, ‘The EU Law “Core” Module: Surviving the Perfect Storm of Brexit and the SQE’ (2017) 52 The Law Teacher 68. [↑](#footnote-ref-27)
28. Issues in relation to the marketisation of Higher Education are not idiosyncratic developments within the UK, but rather can be evidenced across Europe: for commentary, see: P Teixeira et al, ‘Policy changes, marketisation trends and spatial dispersion in European higher education: comparing public and private sector’ (2014) 7 Cambridge Journal of Regions, Economy and Society 271. [↑](#footnote-ref-28)
29. See further J Guth and T Hervey, ‘Threats to internationalised legal education in the twenty-first century UK’ (2018) 53 The Law Teacher 1. [↑](#footnote-ref-29)
30. *Ibid.* [↑](#footnote-ref-30)
31. A Logan, ‘The Economic Impact of Universities in 2014-15’ (Oxford Economics and Universities UK, October 2017) available online at: <http://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2017/the-economic-impact-of-universities.pdf> accessed 28th May 2018. [↑](#footnote-ref-31)
32. See E Bothwell, ‘Universities ‘Generate £95 billion for UK Economy’ (Times Higher Education, 16 October 2017) available online at: <https://www.timeshighereducation.com/news/universities-generate-ps95-billion-uk-economy> accessed 28th May 2018. [↑](#footnote-ref-32)
33. G Morgan and C Plackett, ‘The Economic Impact of International Students’ (UUK 6 March 2017) available online at: <http://www.universitiesuk.ac.uk/news/Pages/International-students-now-worth-25-billion-to-UK-economy---new-research.aspx> accessed 28th May 2018. [↑](#footnote-ref-33)
34. E Bothwell, ‘EU Students Generate £3.7 billion for UK Economy, says UUK’ (Times Higher Education, 8 April 2016) available online at: <https://www.timeshighereducation.com/news/eu-students-generate-three-point-seven-billion-pounds-for-uk-economy-says-uuk> accessed 28th May 2018. [↑](#footnote-ref-34)
35. Equating to 15% more funding from the EU, in addition to what the UK Government gives universities (or at least 2.6% of universities in the UK’s total income, or around 16% of their research income). See further: Full Fact, ‘How Much Money Do British Universities Get From the EU?’ (The UK’s Independent Factchecking Charity, 5th October 2015) available online at: <https://fullfact.org/education/how-much-money-do-british-universities-get-eu/> accessed 28th May 2018. [↑](#footnote-ref-35)
36. HESA, ‘Higher Education Student Statistics: UK, 2016-17 – Where students come from and go to study’ (HESA, 11 January 2018) available online at: <https://www.hesa.ac.uk/news/11-01-2018/sfr247-higher-education-student-statistics/location> accessed 28th May 2018. [↑](#footnote-ref-36)
37. HESA, ‘Higher Education Student Statistics: UK, 2016-17 – Where students come from and go to study’ (HESA, 11 January 2018) available online at: <https://www.hesa.ac.uk/news/11-01-2018/sfr247-higher-education-student-statistics/location> accessed 28th May 2018. [↑](#footnote-ref-37)
38. Welsh Government, ‘Trade Policy: The Issues for Wales, Securing Wales’ Future’ (Welsh Government Policy Documents, 2018) p 17. [↑](#footnote-ref-38)
39. E Busby, ‘Number of EU students applying to UK universities surge despite Brexit fears’ (The Independent, 5 February 2018) available online: <https://www.independent.co.uk/news/education/education-news/eu-students-uk-universities-applications-rise-brexit-ucas-students-a8191836.html> accessed 28th May 2018. [↑](#footnote-ref-39)
40. D Brett, ‘Sterling Devaluation: The Fall in the Pound Since the Brexit Vote’ (City AM, 23 November 2017) available online at: <http://www.cityam.com/276230/pound-devaluation-lessons-1967-apply-today> accessed 28th May 2018. [↑](#footnote-ref-40)
41. E Busby, ‘Number of EU students applying to UK universities surge despite Brexit fears’ (The Independent, 5 February 2018) available online: <https://www.independent.co.uk/news/education/education-news/eu-students-uk-universities-applications-rise-brexit-ucas-students-a8191836.html> accessed 28th May 2018. [↑](#footnote-ref-41)
42. R Pells, ‘Number of EU students applying to UK universities falls by 7% since Brexit, latest figures reveal’ (The Independent, 2 February 2017) < https://www.independent.co.uk/news/education/education-news/eu-students-numbers-apply-uk-universities-fall-7-per-cent-brexit-latest-news-figures-a7558131.html> accessed 28th May 2018. [↑](#footnote-ref-42)
43. Whereas there were marginal increases in the number of students coming from France, Italy, Spain, Poland and Romania. For further information see: HESA, ‘Higher Education Student Statistics: UK, 2016-17 – Where students come from and go to study’ (HESA, 11 January 2018) available online at: <https://www.hesa.ac.uk/news/11-01-2018/sfr247-higher-education-student-statistics/location> accessed 28th May 2018. [↑](#footnote-ref-43)
44. Such was part of a package of recommendations made by the Russell group, especially the need to establish what fee rate non-UK EU students might move to and when this would come in to effect; as well as confirm the continued working rights for EU staff. See: Russell Group, ‘Putting Universities at the Heart of Industrial Strategy’ (Russell Group, October 2016) available online at: <https://www.russellgroup.ac.uk/media/5450/putting-universities-at-the-heart-of-the-industrial-strategy-october-2016.pdf> see also, C Fairbairn, ‘Firms Need to See Clear Brexit Plan Taking Shape Now’ (CBI, 1 July 2016), available online at: <http://www.cbi.org.uk/news/firms-need-to-see-clear-brexit-plan-taking-shape-now/>. By contrast Scotland has said it should continue to be free for EU students. See: Jack Grove, ‘Scotland confirms free tuition for EU students in 2019-20’ (Times Higher Education, 1 February 2018) available online at: <https://www.timeshighereducation.com/news/scotland-confirms-free-tuition-eu-students-2019-20> all accessed 28th May 2018. [↑](#footnote-ref-44)
45. Technopolis Group, ‘The role of EU funding in UK research and innovation’ (The Royal Society, May 2017) available online at: <https://royalsociety.org/~/media/policy/Publications/2017/2017-05-technopolis-role-of-EU-funding-report.PDF> accessed 28th May 2018. [↑](#footnote-ref-45)
46. L Buch, ‘Brexit: More than 2,300 EU academics resign amid warning over UK university ‘Brexodus’’ (Independent, 6 January 2018) available online at: < https://www.independent.co.uk/news/uk/politics/brexit-latest-news-uk-university-eu-academics-resign-immigration-brexodus-citizens-europe-a8143796.html> accessed 28th May 2018. [↑](#footnote-ref-46)
47. Including two using Likert scales. [↑](#footnote-ref-47)
48. A copy of the full survey can be found in the Appendix below. [↑](#footnote-ref-48)
49. See MB Youngman and M Bredon, *Designing and Analysing Questionnaires* (Oxford: TRC-Rediguides 1982); for comparative law examples, see P Cane and HM Kritzer (eds), *The Oxford Handbook of Empirical Legal Research* (OUP, 2013). [↑](#footnote-ref-49)
50. See RW Whitecross, ‘Teaching Legal Professionalism: A Comparative Study of Teaching Professional Values and Lessons for Legal Education’ (2016) 11 Journal of Commonwealth Law and Legal Education 3. For an example of a legal education study which elicited a higher response rate (63%) by sampling more universities see A Bone, ‘The Twenty-First Century Law Student’ (2009) 43 The Law Teacher 222. [↑](#footnote-ref-50)
51. See for example: G Williams, ‘Legal Education in Welsh- An Empirical Study’ (2005) 39:3 The Law Teacher 259. [↑](#footnote-ref-51)
52. For pedagogically informed evidence of this approach see: M Healey, A Flint, K Harrington, ‘Engagement through partnership: students as partners in learning and teaching in higher education’ (Higher Education Academy Report 2014); Higher Education Academy, ‘Framework for partnership in learning and teaching in higher education’ (HEA July 2014); for student societies as partners see: E Mowlam, ‘Supporting Student Law Societies and Extra-Curricular Activities and Students’ in C Ashford and J Guth, *The Legal Academic’s Handbook* (Palgrave, 2016) p118. [↑](#footnote-ref-52)
53. Unsurprisingly (given jurisdiction differences) there was a 0% UK (Scottish) representation in this survey. [↑](#footnote-ref-53)
54. With 63% of respondents within the survey with a ‘low attention to politics’ voting ‘leave’; and 62% of respondents in the lowest income group voting to “leave.” See further YouGov, ‘Survey Result EU Referendum Vote’ (YouGov 24th August 2016) available online at: <https://d25d2506sfb94s.cloudfront.net/cumulus\_uploads/document/oxmidrr5wh/EUFinalCall\_Reweighted.pdf> accessed 26th September 2018. [↑](#footnote-ref-54)
55. In summary, the YouGov survey found that citizens aged 50 and over were recognised as having the highest concentration of vote leave supporters (62%) compared to 18-24-year olds (where 71% were believed to have voted to remain). For summary and analysis see: P Moore, ‘How Britain Voted’ (YouGov.UK 27 June 2016) available online at: <https://yougov.co.uk/news/2016/06/27/how-britain-voted/> accessed 28th May 2018. [↑](#footnote-ref-55)
56. See A Whittam Smith, ‘The Case for A Second Brexit Referendum’ (Independent, 3 June 2018) available online at: <https://www.independent.co.uk/news/long\_reads/second-brexit-referendum-why-vince-cable-nick-clegg-immigration-a8377786.html> accessed 28th May 2018. [↑](#footnote-ref-56)
57. See for example the Prime Minister’s Lancaster House and Florence speeches, where only two references were made to our universities (specifically in relation to the future of medical science research and research funding). No references were made more widely to Higher Education, and only one reference is made to ‘young people’ specifically: “I am in no doubt that whatever agreement we reach with the EU, our future is bright. The stability and continuity of centuries of self-government, our commitment to freedom under the rule of law, our belief in enterprise and innovation, but above all, the talent and genius of all our people - and especially our young people - are the seeds of our success in the future, as they have been the guarantors of our success in the past.” Seemingly these sentiments have done little to reassure future professionals that their interests are being safeguarded. Speeches available online at: T May, ‘In Full: Theresa May’s Speech on Future UK-EU Relations’ (BBC News, 2 March 2018) available online at: <https://www.bbc.co.uk/news/uk-politics-43256183>; See also more recently A Grice, ‘Boris Johnson’s leaked speech proves Brexiteers are worried they won the referendum battle, but are losing the war’ (The Independent, 8th June 2018) available online at: <https://www.independent.co.uk/voices/brexit-boris-johnson-speech-leaked-theresa-may-trump-david-davis-a8389151.html> all accessed 28th May 2018. [↑](#footnote-ref-57)
58. This has more recently been referred to as the ‘hostile environment’ for foreign nationals in the UK. See for example the Scottish National Party and Nicola Sturgeon press releases on the subject, for example: L Brooks, ‘Nicola Sturgeon calls for Scotland to be given powers over migration’ (The Guardian, 9 June 2018) available online at: <https://www.theguardian.com/politics/2018/jun/09/nicola-sturgeon-calls-for-scotland-to-be-given-powers-over-migration> accessed 28th May 2018. [↑](#footnote-ref-58)
59. Phrase used by a UK student respondent. [↑](#footnote-ref-59)
60. Phrase used by an EU student respondent. [↑](#footnote-ref-60)
61. Phrase used by an international (non-EU) respondent. [↑](#footnote-ref-61)
62. European Commission, ‘Jobs at the European Commission: How to become an EU official or find temporary jobs and other career opportunities within EU institutions.’ (Europa 2018) available online at: <https://europa.eu/info/jobs-european-commission\_en> accessed 28th May 2018. [↑](#footnote-ref-62)
63. The Blue Card is an approved EU-wide work permit (Council Directive 2009/50/EC) allowing high-skilled non-EU citizens to work and live in any country within the European Union, excluding Denmark, Ireland and the United Kingdom, which are not subject to the proposal. For commentary see: EU Blue Card Network, ‘Live and Work in Europe’ (2012-2018 Apply EU) available online at: <https://www.apply.eu> accessed 28th May 2018. [↑](#footnote-ref-63)
64. See for example: S Clear and M Parker, ‘Home v International Law Student Expectations: Understanding and Embracing Internationalisation within the Classroom to Facilitate Peer-to-Peer Learning’ (Association of Law Teachers’ Annual Conference, University of Portsmouth 2017) available online at: <http://www.lawteacher.ac.uk/docs/2017/Stephen-Clear-ALT-Slides-Complete.pdf> accessed 28th May 2018. [↑](#footnote-ref-64)
65. For commentary in relation to headlines such as: “Your Country Needs You Vote Leave Today”, “Nailed: Four Big EU Lies”, “The Betrayal of Britain” (The Daily Mail), and “Vote Leave to Make Britain Even Greater” and “Independence Day” (The Sun); see: G Harding, ‘Media Lies and Brexit: A Double Hammer-Blow to Europe and Ethical Journalism’ (Ethical Journalism Network, 31st May 2018) available online at: <https://ethicaljournalismnetwork.org/resources/publications/ethics-in-the-news/media-lies-and-brexit> accessed 28th May 2018. [↑](#footnote-ref-65)
66. See for example: Boris Johnson (Foreign Secretary) statement: “If we get outside the EU, if we leave the EU system, we will be relieved of a huge amount of unnecessary regulation that is holding this country back. We will be able to set our own priorities, make our own laws and set our own tax policies to suit the needs of this country. We have a huge opportunity also to make people's votes count for more”, part of the House of Commons debate on leaving the European Union (Hansard Vol 635, 22 January 2018) available online at: <https://hansard.parliament.uk/Commons/2018-01-22/debates/1BEAD2EE-F7CC-4732-A4CC-DC4D8E5D8B93/LeavingTheEuropeanUnion>; and Liam Fox (International Trade Secretary) stating: “Any form of customs union with the EU after Brexit would be a "complete sellout" for the UK”, for analysis see: L Fox, ‘Brexit: Liam Fox Warning of Customs Union ‘Sell Out’’ (BBC News, 27 February 2018) available online at: <https://www.bbc.co.uk/news/uk-politics-43204460> all accessed 28th May 2018. [↑](#footnote-ref-66)
67. The other 16% thought Brexit would make studying law in Wales neither more nor less attractive. [↑](#footnote-ref-67)
68. The calculation of *at least* 53 individuals is based on a conservative estimate of: 1) knowledge, or previous collaboration, with different Welsh law school’s employees; and/or 2) express reference to their nationality or country of origin, as contained within respective staff profiles. There are limitations as to accuracy of this figure being calculated in this fashion, including how the individual may classify their own nationality; as well as other academics who may not have referred to any nationality within their profile, yet clearly originate from outside the UK. Nonetheless the figure of 53 is believed to be an accurate reflection of at least the minimum number of overseas academics teaching within Welsh law schools. [↑](#footnote-ref-68)
69. L Buch, ‘Brexit: More than 2,300 EU academics resign amid warning over UK university ‘Brexodus’’ (Independent, 6 January 2018) available online at: < https://www.independent.co.uk/news/uk/politics/brexit-latest-news-uk-university-eu-academics-resign-immigration-brexodus-citizens-europe-a8143796.html> accessed 28th May 2018. [↑](#footnote-ref-69)
70. A current necessity to satisfy the Law Society and Bar Council academic stage requirements for training as a solicitor or barrister. [↑](#footnote-ref-70)
71. A further 11% felt that Brexit made Wales a neither more or less attractive place for EU Lecturers to teach and research; and a further 7% felt Brexit made Wales a more attractive place to work for EU academics. However, no text comments explained the reasons for the views of this 7%. [↑](#footnote-ref-71)
72. British Medical Association, ‘Almost a fifth of EU doctors have made plans to leave UK following Brexit vote’ (BMA 14 November 2017) available online at: < https://www.bma.org.uk/news/media-centre/press-releases/2017/november/almost-a-fifth-of-eu-doctors-have-made-plans-to-leave-uk-following-brexit-vote> accessed 28th May 2018. [↑](#footnote-ref-72)
73. Whilst this was previously recognised to be the case in relation to the NHS (See: M Bulman, ‘Doctors told to leave UK after Home Office refuses to issue them visas’ (Independent, 5 June 2018) available online at: <https://www.independent.co.uk/news/uk/home-news/nhs-doctors-visas-home-office-uk-leave-immigration-cap-a8383311.html> accessed 28th May 2018) the cap on those entering the Health profession has now been lifted within the UK. However such targets still exist in other professions (including education) For overview of Government policy see: UK Government, ‘Tier 2 (General) Visa’ (Gov.uk 2018) available online at: <https://www.gov.uk/tier-2-general> accessed 10th September 2018. For commentary see B Chapman, ‘UK should scrap immigration targets after Brexit, businesses say’ (Independent 10August 2018) available online at: <https://www.independent.co.uk/news/business/news/brexit-uk-immigration-targets-trade-business-eu-migrants-cbi-report-a8485376.html> accessed 10th September 2018. [↑](#footnote-ref-73)
74. A “don’t know” option was also given. A positive value +2 was attributed to a statement which indicated **strongly agree** to a pro-Brexit stance; and a value of +1 to a statement which indicated the respondent **agree**d with a pro-Brexit statement. Negative values of -2 and -1 were attributed to statements which strongly disagreed and disagreed with an anti-Brexit stance. Values of ‘0’ were attributed to responses that indicated ‘neither agree or disagree’ and ‘do not know’. [↑](#footnote-ref-74)
75. Possible justifications for this stance are explored above in relation to the relevance of EU law post Brexit. See above 4. Students’ Perceptions of European Union Law. [↑](#footnote-ref-75)
76. Countries which are not part of the European Union include: Albania, Armenia, Belarus, Gibraltar, Iceland, Kosovo, Lechtenstein, Macedonia, Norway, Russian Federation, Switzerland, Turkey, Ukraine, and the Vatican City State. [↑](#footnote-ref-76)
77. Such can be traced back to the Roman Empire, with juris-consults determining rationality and liability still common place today across Member States. See further H Patrick Glenn, ‘Roman Law and Law in Europe’ in *Legal Traditions of the World* (3rd edn OUP 2007) pp. 131-134. [↑](#footnote-ref-77)
78. For example see: C Barnard and S Peers (eds), *European Union Law* (2nd edn OUP, 2017) Ch 1-2; N Foster, *Foster on EU Law* (6th edn OUP, 2017) Part 1.3; P Craig, G De Burca, *EU Law Text, Cases and Materials* (6th edn OUP, 2015) Ch 1. Also for example see: A Gray, “Article 50 author Lord Kerr: I didn’t have UK in mind” (Politico 28 March 2017) available online at: <https://www.politico.eu/article/brexit-article-50-lord-kerr-john-kerr/> accessed 11th October 2018. [↑](#footnote-ref-78)
79. The judicial arm of the EU which has responsibility for consistently applying EU law within each country, with its membership consisting of one judge from each EU Member State, plus 11 Advocate Generals. [↑](#footnote-ref-79)
80. With the Universities of Oxford, Cambridge and London featuring in 13% of the judges’ profiles. [↑](#footnote-ref-80)
81. Court of Justice of the European Union, ‘Court of Justice: Presentation of Members’ (Curia Europa, 2018) available online at: <https://curia.europa.eu/jcms/jcms/Jo2\_7026/en/> accessed 11th October 2018. [↑](#footnote-ref-81)
82. Universities UK International, ‘International Facts and Figures’ (Higher Education, 2017) available online at: <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/International/International\_Facts\_and\_Figures\_2017.pdf> accessed 11th October 2018. [↑](#footnote-ref-82)
83. *Ibid.*  [↑](#footnote-ref-83)
84. For commentary, see further M Wind, ‘Will ‘leaving Europe’ be emulate elsewhere’ in F Fabbrini (ed), *The Law and Politics of Brexit* (OUP, 2017) Ch 11. For historical insights see: N Clegg, *Politics Between the Extremes* (Vintage, 2016). [↑](#footnote-ref-84)
85. See P Barbieri, ‘Europe’s Reverse Domino Effect: No One is Following Britain Out of the EU’ (Foreign Affairs, 16th March 2017) available online at: <https://www.foreignaffairs.com/articles/western-europe/2017-03-16/europes-reverse-domino-effect> accessed 24th September 2018. [↑](#footnote-ref-85)
86. YouGov, ‘Brexit and Europe Report’ (YouGov, September 2016) available online at: <http://d25d2506sfb94s.cloudfront.net/cumulus\_uploads/document/smow6e2p43/MegaEurotrackerResults\_AugustSeptember2016\_Toplines.pdf> accessed 24th September 2018. [↑](#footnote-ref-86)
87. For an example of how other EU Member States are talking of closer Union following Brexit see: G Verhofstadt, *Europe’s Last Chance: Why the European Union Must Form a More Perfect Union* (Basic Books, 2017). [↑](#footnote-ref-87)
88. See M Wind, ‘The Nordic Reluctance Towards Supranational Judicial Review’ (2010) 48 Journal of Common Market Studies 1039; and M Wind, ‘The Uneven Legal Push for Europe’ (2009) 10 *European Union Politics* 63. [↑](#footnote-ref-88)
89. M Wind, ‘Do Scandinavians Care about International Law?’ (2016) 85 Nordic Journal of International Law 281. [↑](#footnote-ref-89)
90. For discussion as to the different stances to hard and soft Brexit being taken in Europe see: P Taggart and A Szczerbiak, ‘Putting Brexit into perspective: the effect of the Eurozone and migration crises and Brexit on Euroscepticism in European States’ (2018) 25 Journal of European Public Policy 1194; S Bulmer and L Quaglia, ‘The politics and economics of Brexit’ (2018) 25 Journal of European Public Policy 1089; P Kaniok, ‘Brexit outside of UK politics: the case of Czech Eurosceptics’ (2018) European Politics and Society Published online 15April 2018. [↑](#footnote-ref-90)
91. Albania, Armenia, Belarus, Gibraltar, Iceland, Kosovo, Lechtenstein, Macedonia, Norway, Russian Federation, Switzerland, Turkey, Ukraine, and the Vatican City State. [↑](#footnote-ref-91)
92. Statistics Norway, ‘Students in Higher Education’ (SN 23 March 2018) available online at: <https://www.ssb.no/en/utuvh> accessed 11th October 2018. [↑](#footnote-ref-92)
93. *Ibid.* [↑](#footnote-ref-93)
94. 81% of students studying within Higher Education in the UK are from the UK, 6% from the rest of the EU and 13% from the rest of the world. See further: UKCISA, ‘International Student Statistics: UK Higher Education; (3 April 2018) available online at: <https://www.ukcisa.org.uk/Research--Policy/Statistics/International-student-statistics-UK-higher-education> accessed 11th October 2018. [↑](#footnote-ref-94)
95. For a summary of Norway Tuition fees see: Study in Norway, ‘Tuition/Scholarships’ (2018) available online at: <https://www.studyinnorway.no/Tuition-Scholarships> accessed 11th October 2018. [↑](#footnote-ref-95)
96. For a summary of the current financial complexities surrounding Higher Education within the UK see: Times Higher Education, ‘Quarter of UK Universities ‘Under Threat’ by 2022, VC Warns’ (THE 7 June 2017) available online at: < https://www.timeshighereducation.com/news/quarter-uk-universities-under-threat-2022-v-c-warns> accessed 11th October 2018. [↑](#footnote-ref-96)
97. See further J Guth and T Hervey, ‘Threats to internationalised legal education in the twenty-first century UK’ (2018) 53 The Law Teacher 1. [↑](#footnote-ref-97)
98. See for example: M Savage, ‘If you create a hostile environment, you shouldn’t be surprised that it’s hostile’ (The Guardian, 22 April 2018) available online at: <https://www.theguardian.com/uk-news/2018/apr/22/hostile-environment-landlords-check-immigration-status-under-coalition-government> accessed 28th May 2018. [↑](#footnote-ref-98)