

The Midlands SLS 'Brexit and the Law School' event took place on 30 June at the University of Keele. The event was very successful according to the feedback of invited speakers and attendees. Both the audience and the speakers were engaged and engaging, which triggered vibrant and interesting discussions. The workshop was organised in two sessions: The first session focused on the institutional, research and funding implications of Brexit on the Law School and the second session discussed the impact of Brexit on the Law School curriculum.

Session 1

Professor Fiona Cownie's (Keele University) talk addressed the institutional perspectives of Brexit. Fiona noted that the referendum caused a lot of uncertainty to Universities in terms of European staff residence and working rights, students' numbers and research funding and emphasized that this sort of crisis is not the type that Universities like. As higher education is a very competitive market and increasing regionalisation of student markets is taking place worldwide, Fiona emphasized that UK Universities should play a very sophisticated game to address the challenges of Brexit.

Professor Estella Baker (De Monfort University) discussed the research implications of Brexit by providing examples of her own research experience as a scholar working on European Criminal Law. Estella stated that involvement in collaborative research projects at the EU level as national law experts, participation in EU Experts Groups and judges' training programmes will come to an end for UK scholars when the UK withdraws from the EU as there will be no interest in its national law. Estella observed that all these activities come within impact and knowledge transfer, which are very important for the REF and UK Universities in general and it will have negative repercussions on individual researchers given that research ideas are often created in a collaborative environment and research culture. Estella also noted that legal scholars should reflect on whether Brexit can be seen as an attack on the rule of law as evidenced by the attacks against experts, judges and in general the standing of law and lawyers in our society. She wondered about the dividing lines between expertise and opinion/campaigning for the public good, and suggested that those lines should be based on evidence-grounded research and ethical integrity.

Professor Tony Bradney (Keele University) gave a talk entitled 'Will Universities ignore Brexit?' arguing that this would indeed be the case. Tony observed that Universities have a long history of autonomy and going against the tide. Brexit is a social and moral phenomenon that does not chime with the values of the Law School. According to Tony, Universities do not get Brexit and do not believe in it so there will be resistance to the different elements of its implementation.

Professor Jane Ching (Nottingham Trent University) addressed in her talk the potential implications of Brexit on law graduates' employability. Jane noted that there are different gatekeepers to the legal profession qualification, including the state, the regulator, the market and the academy. She observed that Brexit will significantly affect the student experience (Erasmus, field trips, placements in other European countries and the knowledge of other languages). Jane suggested that there are different possible solutions available, such as double maîtrise degrees, international campuses and obtaining legal qualification in Ireland, which would give UK law graduates access to more markets. Irish Universities are also cheaper places to study and that would make the Irish Bar and the Law Society of Ireland another gatekeeper for the legal profession.

Dr Nikos Vogiatzis (University of Liverpool) considered different discussions that Brexit will raise around a number of legal issues, such as the doctrine of parliamentary sovereignty, the UK's changing constitutional landscape, the potential repeal of the HRA, the independence of the judiciary, the relationship between the EU and the UK, and the fate of EU law journals edited in the UK.

Professor Katja Ziegler's (Leicester University) talk focused on the implications of Brexit on research funding. Katja emphasized that the UK is a net beneficiary of research funding. Natural sciences receive more funding, but arts and humanities have the largest dependency on EU funding because there are almost no other sources available. As EU funding promotes international collaborations, big projects of large infrastructure and international training and mobility networks, all this will be lost after Brexit. The two possible solutions are approximation to the status quo as far as possible or compensating for what might be lost at domestic level. The latter appears difficult because it depends on the state of the national economy and its priorities, but Katja noted that in any case it is almost impossible to replicate EU funding due to its unique characteristics of international cooperation and mobility. The preferred option is for the UK to stay associated with Horizon 2020 and FP9, although there are many questions about whether this is going to be possible - especially following the example of Switzerland.

Session 2

Professor Tony Arnall's (University of Birmingham) talk focused on the implications of Brexit on the EU law module. Tony started by providing the historical background of the module, noting that this was not compulsory in the 1980s and only became a core module in the 1990s, prompting also an influx of scholars from EU Universities. Tony observed that ironically Brexit has caused an explosion of interest in the EU law subject that covers many substantive and procedural issues regarding the future of the EU-UK relationship. Not only are these very interesting for law students, but much legal business will also be created on those issues, with expertise on these being highly needed and valued. Regarding EU law, there are different possibilities: i) a core EU module with or without Brexit elements; ii) replacement of the core module with optional post-Brexit topics and iii) the disappearance of the core module. Tony also considered that the new arrangements might reflect local interests in terms of staff that might prompt some Universities to retain EU law as core module. Tony referred to the forthcoming SQE which does not mention EU law, but considered that this might be provisional as it will not come into force until 2020.

Professor Tammy Hervey (University of Sheffield) discussed the past, present and future of the EU law module after Brexit. She noted that while EU law was initially part of international law, it later started being taught as part of national constitutional law or seen as an example of transnational regulation. Tammy also observed the tension between understanding EU law as civil law or common law, with many UK textbooks presenting it as judge-made law. Tammy also questioned the place of EU law in the curriculum. Should it be taught as embedded in national law? Does EU law teaching indicate conflicts between EU and national law? Or, can EU law be seen as an example of legal pluralism? Is there an organic connection between EU and national law and if so, is this symbiotic or parasitic? Regarding the future of EU law, Tammy considered that some scholars will specialize in the different agreements that will be concluded after Brexit and others will focus on their substantive areas of interest (environmental law, consumer law, etc). Nevertheless, there might be more continuity than we think for instance with the Repeal Bill.

Dr Elaine Dewhurst (University of Manchester) considered in her talk what other subject area has been in a similar position to EU law. According to Elaine, this would be Roman law, which has now almost disappeared from the Law School curriculum. While there is no perfect analogy between the two, Elaine argued that a comparison might be useful. They both map a complete legal system, with cultural significance and their own language and methods. So, is EU law a luxury in a post-Brexit world? According to Elaine it is not enough to say that something is useful, we have to say that something is necessary. There is a pragmatic reason to retain EU law and this is based on the fact that whatever the future relationship between the UK and the EU, we need to know something about the EU legal

system, its institutions, its principles and concepts as well as the single market, free movement and competition law.

Dr Maria Tzanou

Keele University, 3/7/2017