

Response to Commission on Justice in Wales**Dr Amanda Clare Senior Lecturer in Computer Science, Department of Computer Science, Aberystwyth University****Dr Catrin Fflur Huws, Senior Lecturer in Law, Aberystwyth Law School, Aberystwyth University****Document A****Response prepared by Dr Amanda Clare, Senior Lecturer in Computer Science, Department of Computer Science, Aberystwyth University to the call for evidence Commission on Justice in Wales****June 2018**

Computers are now pervasive and ubiquitous among the population. We have smartphones, tablets and laptops in the home, we expect to find immediate information on the web and we send and receive immediate communication via email and other instant messaging channels.

Examples of the current use of computers by the public with regard to justice in Wales would include: use of the web to find representation, making online applications and submissions and checking on their status, searching for details of nearby planning applications, learning about the reported outcomes of similar cases, finding answers to frequently asked questions. Accessible online information is especially valuable to the rural community of Wales, who would otherwise be isolated from the knowledge of experts. Increasingly now, in a world where online companies routinely hold substantial information about our lives, we have high expectations that the justice system, together with the health system, social welfare system, tax system and others, collate accurate and up to date electronic records and share pertinent information securely between agencies so that case hearings are fully informed. We may be disappointed when we learn that this is not standard practice, that paper-based systems are still used, and that the delivery of papers is holding up progress. We are disappointed that some computational systems still need to get the basics right, such as accessibility, bilingual interfaces, booking appointments, online help, a contact telephone helpline or email address and clear and current information.

Computers can be used to provide a valuable decision/diagnostic tool (for example see the Symptom Checker from NHS Direct Wales) and to provide automatic answers to frequently asked questions, to save the time of professionals. In this scenario, human expert knowledge has been extracted, structured and made available, and computers provide an interface to that knowledge. Computers are also used to assist the search of case archives, searching metadata or text-based full content, where the information is unstructured and must still be analysed by a human after retrieval. These applications may in some scenarios be labelled as Artificial Intelligence (AI). The processes of encoding legal knowledge in formal and unambiguous computational representations (such as logic and algorithms) can also highlight discrepancies, inconsistencies, insufficiencies and unnecessary complexity. 2

The public are, quite rightly, concerned about the role of AI and the ethics of the inferences that computer algorithms can make from our personal data. We need to be aware of the potential implications of the use of computers for justice. Artificial Intelligence is a term used to describe any computing solution that appears to show "intelligence" rather than merely calculate routine results. However, we cannot agree on what "intelligence" encompasses, even for humans, and therefore the definition of AI is necessarily a moving set of goalposts. We might once have considered the act of machines playing chess to be intelligent, but many now see this as just computation. However, even the calculation of routine results can be complex enough to be very difficult for a human to inspect and understand.

Tasks such as "Find previous cases similar to this case", "List all regulations that apply to this case", and "Provide a judgement for this case" would be considered to be increasingly more complex AI, due to the large domain knowledge required and the ambiguity of natural language. In these scenarios, some errors will be made, though it may be that in restricted scenarios the error rate could be as low as that of an expert human. Tasks such as these would currently be cutting edge research.

[page 2]

Document B

Response by Dr Catrin Fflur Huws, Senior Lecturer in Law, Aberystwyth Law School, Aberystwyth University to the Call for Evidence, Commission on Justice in Wales June 2018

1. What is working well in the justice system in Wales? What is not working well? Are there examples of innovation and good practice, both in and beyond Wales, which should be adopted and shared?

It must be acknowledged that there are many able and talented people working in the legal sector in Wales - people who have wanted to stay in Wales, and do good work in their communities. Therefore, legal services should not be considered secondary services, and those providing these services should not be considered inferior. There are many experienced, diligent people who are not attracted to big measures of success. There are many examples of people who continue to work at their own personal expense because of the gap which would be left if they were not there.

There are some examples of law firms who have specialised in and provided services which meet the needs of potential clients whilst continuing to operate on a local level. Good understanding of needs and appropriate availability has proved successful for these businesses. However, many companies have relied on serving people who don't have much money, and therefore depend on public support. However, it is believed that many businesses have found it difficult to adapt due to a failure to identify/get to know their clients. For example, television advertising and will packages have attracted clients because they provide clarity about what is being offered in advance as well as easy access (e.g. websites rather than having to telephone an office without being entirely sure what to ask for). Availability is also a factor e.g. a system which operates between 9 and 5 Monday to Friday isn't suitable in a culture where people are working. However, law firms in Wales can offer a personal service, but they may need to be made aware of how to do so - the idea of working longer hours when people are already inundated with work will be too much, and a number of smaller companies will be unwilling to do so. Therefore, guidance is

needed on what would work in terms of identifying customer needs, offering attractive products and ensuring that people are comfortable with what they are asking for. For example, there is a perception that law firms are expensive, and therefore people are unwilling to ask for legal advice because they are worried that they won't be able to afford what is on offer. This could mean that people are unwilling to seek advice, and therefore online advice, which provides more anonymity, is a more attractive proposition. Therefore, firms in Wales need to consider how they can make their products as accessible as those found on websites, but with the advantage of providing a more personal service. A model based on small shops, for example, may be attractive to some customers (such as the artisan baker, the artisan lawyer) but that would not be attractive to others - some perhaps because they are looking for something more traditional, others because they want something less exceptive and unique.

It is felt that there isn't enough effective coordination between the different sectors. For example, universities are motivated by attracting students and outcome measures based on academic work. This may be a very different objective to the aspiration of the justice system in terms of training. Therefore, there may be a need to consider how the aspirations of different sectors can blend together. However, in order for universities to demand standards for communication levels, attendance, interpreting information and research, they need guidance from the professions, as the main drivers for universities are student satisfaction and levels of success. This means that they need to ensure that more students do well. This means that higher levels of training are needed for examinations, but students are therefore ineffective at transferring their skills to other areas.

[page 4]

The law degree course tends to concentrate on law as an academic literary study, and analyse legal texts in accordance with the requirements of the SRA. However, the legal profession could benefit from an understanding which places more focus on running a business and managing salaried workers, and therefore considering the system in its entirety and getting a more appropriate overview would be beneficial in order to ensure that the different sectors do no contradict each other, undo each other's work or repeat the same functions.

In order to understand what works well and what doesn't work well, we must gain an understanding of what drives organisations' procedures and behaviour. For example, student fees have meant that universities operate as businesses rather than in the public interest. Without the University of Wales as an umbrella body, there is less scope for significant collaboration and, as a result of factors such as the hierarchies of new universities, old universities, the Russell group, different universities are drawn to organisations which are not necessarily located in Wales (e.g. Cardiff setting its sights on other universities in the Russell group, and the relationship between Glyndŵr University and Chester University). It is likely that there are similar links in other parts of the legal sector, and these need to be understood in order to understand why some procedures are as they are, and what needs to be changed in order to change those behaviours.

2.What are the economic, social, geographical, technological, constitutional and other barriers to improvement and how could these be overcome?

Economic

Economic pressure affects marginal areas, societies and situations to a far greater extent, since services, transport links etc are downsized in order to serve locations where there are enough people to pay for the services (either a small number of rich people or a very large number of poorer people). Due to its geography and relative poverty, economic pressure has a significant impact on Wales. We therefore need to ensure that there are less barriers to prosperity and encourage alternative solutions. This may be in the form of financial advantages or discounts, or some kind of tax moratorium. This could also be achieved by encouraging alternative solutions e.g. pro bono work.

Social

Many social factors have changed over the last twenty years. People feel less confident about conducting negotiations with strangers over the telephone or face to face which means that they are more likely to feel uncomfortable about contacting firms of solicitors. On the other hand, they are more willing to buy goods and services online. The nature of the workplace also means that the traditional pattern of giving legal advice – from an office operating between 9-5 – isn't appropriate. However, face to face contact is beneficial when seeking advice as people are often looking for advice beyond what is discussed during the initial contact. Therefore, we need to consider how we can make legal advice less frightening and more familiar to people. 'Community halls' are often considered the solution to this, but only some people in society use community halls, therefore better understanding is needed of the social contexts which would enable people to think 'well, getting legal advice is just as easy as what I do every day [whatever that is].'

Geographical

Court closure in rural areas has affected access to justice and, even in larger towns (Holyhead, Llangefni, Newtown, Carmarthen), court closure has meant that getting access to justice is difficult, particularly as a result of poor road links and a lack of public transport to connect areas. For example, Anglesey residents don't have any public transport links to Caernarfon, unless they change buses in Bangor, and maybe in Amlwch and Llangefni too. Buses are infrequent and therefore transport does create problems, especially if people are dealing with small matters which would not take much time to deal with. The complexity of the journey makes a simple task far more difficult. This is a problem which affects young offenders, for example, as they don't drive and often don't have resources (car, transport costs) or parental support. Failure to organise provision based on geographical proximity complicates matters. For example although Aberystwyth and Cardigan are located in the same local authority, it is easier for Cardigan residents to travel to courts in Llanelli or Swansea than to Aberystwyth. On Anglesey, although Caernarfon is the closest court for Holyhead residents, it would be easier for a person to travel to Llandudno.

Technological

I do not believe that online services provide a solution to this, as even video-conferencing meetings create communication difficulties. Therefore, we need to ensure that services are mobile and consider how transport routes work. For example in Aberystwyth, the public transport routes to Machynlleth, Newtown, Cardiff and Carmarthen are better than those to Llandrindod Wells, Tregaron and Swansea. We also need to ensure that services are coordinated so that everything can be done under one roof, and on the same day.

The position of the Welsh language creates complicated technological situations. For example, there are some online sources which are available bilingually but people also face difficulties. Often, the Welsh language platform is not updated as often. Furthermore, the quality of the Welsh language translation is often not good but because the technician sees the English version, they cannot solve the problem. In terms of the Welsh language, being technology dependant can therefore be problematic, and any advisory platforms developed would need to be planned to be used in Welsh from the outset rather than being a consideration at a later stage.

However, there may be scope to develop diagnostic tools for legal problems (such as the NHS Direct website) which may lead people to appropriate sources of advice. However, the difficulty with the law is that there may be several similar cases of legal problems and the solution therefore is to undertake a detailed examination of the wording. Furthermore, one of the disadvantages of health advice websites is the tendency to self-diagnose conditions, and this could also influence legal advice in the same way. There is also a tendency to provide online services in place of face-to-face services - rather than as an additional option.

3.What problems face the people who work within the justice system in Wales (including policing, prosecution, courts, prisons and probation) and the people who are affected by it?

[page 7]

Changes in legal services and Legal Aid have meant that local legal services are not as accessible. Cuts to legal services mean that there is a lack of choice in terms of the legal support provided in rural areas, especially with regard to contentious issues. The deregulation of legal services has meant that non-traditional providers provide legal packages but, very often, they are not aware of issues such as the right to use Welsh in court proceedings. Cuts to services have meant that it is impossible to provide services in rural areas and significant centralisation is putting rural areas at a disproportionate disadvantage.

Regular measures of satisfaction and performance management have led to fear in several fields of work and concerns about the threat of litigation. Performance evaluation systems have contributed to staff shortages and those present are trying to undertake too many different tasks, leading to a situation whereby it is very difficult to ensure that processes are followed thoroughly. Complications have been seen with many procedures due to the introduction of new systems which have not been

sufficiently piloted. In many areas, rash changes have been introduced, without a sufficiently far-reaching vision of their implications. Therefore, any reforms to the system need to focus on simplifying the availability of services and ensuring that it is possible to verify whether commitments to process requirements have been appropriately met. For example, the Welsh Language Unit within the Courts Service provided clarity about who should provide services in Welsh. Since the closure of the Unit, there is less clarity about who should provide Welsh language services, and therefore a risk that no one will look after it.

4.Does the justice system in Wales currently provide access to all who require its services, including advice? How would you improve access to justice in Wales?

Provision is generally poor. There are very few local companies and therefore a lack of choice and availability in rural areas. For example, students often ask lecturers for legal advice because they cannot afford to pay solicitors, and pro bono services are not available. Both costs and insufficient funding for pro bono services (including voluntary agencies such as the Citizens Advice Bureau) mean that there are significant gaps in provision. Cuts to Legal Aid have meant that a number of companies have stopped offering some services. Furthermore, large companies are able to advertise their services e.g. free will writing services. Although smaller companies also provide these services, people are not as aware of them because they are unable to advertise. Therefore, in order to improve access to justice, advisory services need to be affordable or free. For example, in Ceredigion, the Citizens Advice Bureau has limited availability and depends on a small number of volunteers. Law clinics have been forced to close due to a lack of funds, and there are significant pressures on legal services with regard to matters such as leasing, where people who are renting (including students) cannot afford legal advice, and therefore have to succumb to unsatisfactory situations. This is likely to be reflected in several rural areas where there is a lack of sufficient and affordable legal advice.

5.What impact has devolution had on the justice system in Wales? What impact do you believe devolution will have in the future?

Devolution has had many impacts. Firstly, there is insufficient awareness of Welsh law – and often intentional blindness, particularly from solicitors outside Wales. There is therefore a lack of awareness of aspects of Welsh law, including the right to use the Welsh language in legal proceedings.

However, it has also given some people the opportunity to specialise in Welsh law. It is a shame, however, that we depend so much on legal advice from outside Wales, from individuals and national bodies. National organisations should be instilling more pride and providing further guidance which, in turn, will influence the public.

Devolution has also been complicated by the fact that Wales is a legislature rather than a jurisdiction. It is felt that this contributes to the perception that Welsh law is less important and that, if it were a separate jurisdiction, there would be greater awareness of the relevance of Welsh law - as in Scotland. However, creating a Welsh jurisdiction poses a risk, as the Bar of England and Wales continues to be London-centric. There would therefore be concern that judges and barristers would

see a Welsh jurisdiction as a secondary consideration, or as a step on the ladder to success. We therefore need to consider how a Welsh jurisdiction would be different but equal rather than a depository for lower quality provision.

Devolution has also created a need for expertise on Welsh law, which has been met or partially met in some situations. However, we need to discover whether there is sufficient expertise on matters relating to devolved law e.g. in education and health and the platforms for seeking redress in those areas, and increasingly in areas where Welsh law is being developed e.g. care and well-being, Welsh language rights and housing.

[page 9]

6. Could local authority services in relation to justice and the local provision of legal advice be better organised and co-ordinated with policing, prosecution, courts, prisons and probation?

7. Are there changes that should be made to the capabilities and effectiveness of the ways in which the police, probation and prisons approach their tasks? What should be done to increase community safety, wellbeing and social cohesion and reduce crime? What can be learnt from other countries where rates of crime and imprisonment are lower?

8. What impact is the divergence between Welsh and English law having upon sentencing? What impact do you foresee in the future? Should Wales implement a different approach to sentencing than England? If yes, what lessons can be learnt from other jurisdictions?

One matter which affects sentencing significantly is the fact that sentences e.g. from PACE codes have not been translated. As a result, there is no standard form for these sentences.

9. What are the capabilities in the justice system in Wales for responding to Brexit?

Although the legal system in Wales is more likely to survive branch closures by large companies, Brexit may mean that more advice is needed on immigration and citizenship law, employment law and aspects of agricultural law.

[page 10]

10. What steps do you think need to be taken to facilitate positive change in the justice system in Wales?

More legal services are needed in rural areas, for example by providing mobile courts in towns where courts have closed over the last 20 years. Legal provision also needs to be developed in rural areas in order to ensure that sufficient advice is available, even with regard to contentious issues. We need to work with law firms to create a new business suitable for a specific firm – procedures suitable to large companies based on supermarket models (identical branches) are inappropriate.

Law firms are aware of the challenges they face (the ability of large companies to provide an inexpensive package of identical services, their ability to advertise nationally, online services). These are neither suitable nor attractive to smaller companies, therefore they need to be encouraged to provide accessible, tailor-made services.

We also need to improve access to justice, and technology can help in that respect, despite quite a significant misunderstanding by the legal profession of the difference between 'technology' and 'artificial intelligence'. Technology can help people gain access to many services e.g. diagnosing legal problems, making payments, arranging meetings and seeking advice – but this is not artificial intelligence. However, there is scope to develop (bilingual) machine learning techniques which may benefit the legal system, but we must be aware of limitations. For example Huws and Finnis (On computable numbers with an application to the Alan Turing problem Huws, C. & Finnis, J. 2017 In: Artificial Intelligence and Law.25, 2, p. 181-203) explain that the law is not only dependent on the wording of statutes but also on politics, personalities, social aspects, economic factors and a combination of events), and we must therefore take care not to over-emphasise the power of artificial intelligence in law.

[page 11]

11. How could the strength and sustainability of the legal sector in Wales be promoted? How could its contribution to the prosperity of Wales be optimised?

It is believed that many smaller companies, particularly family firms, find it difficult to compete with companies who advertise nationally and develop new areas of work which are not dependant on Legal Aid. Due to the cost and effort involved in diversifying, it is likely that many smaller firms will consider training to be too much of a risk and cost. There is therefore a need to develop solutions which are effective, easy to administer and develop, easy to incorporate into current procedures and which do not include a significant element of risk. For example, there was an attempt some years ago to encourage firms in Wales to take on work from companies in England, and a failure to understand why this was not an attractive proposition. The truth is that small firms already undertake a great deal of work for their current clients, and therefore the suggestion of taking on more work with the same number of staff was frightening and not at all attractive. Similarly, experts could recommend 'marketing' but there are several barriers to this including objecting to the appropriateness of marketing (because of the image of solicitors as ambulance chasers), the cost and risk involved in unsuccessful marketing campaigns, and a lack of awareness of what would constitute effective marketing.

I believe that we need to have proper conversations with the legal sector. General discussions aren't necessarily beneficial, as firms are likely to want to hide any problems from their competitors. However, that would enable companies to identify and air their problems and discuss any possible solutions. However, these solutions may be different, say, for barristers chambers in Cardiff compared to a firm of solicitors in Machynlleth. This may mean developing an understanding of the nature of the business, their concerns and specific solutions. However, it would need to be

specialised and individual in order to offer appropriate solutions which understand the firm's resources, its market and the barriers it faces. For example, solutions such as "attract more customers" or "offer online advice" is not beneficial if the company does not have the resources to do so. However, advice such as "provide a will package with an interview and will provided for a specified fee and advertise it as such" could be an easy and clear solution for a company which specialises mainly in probate law. However, for Wales, this would have to be attractive both in terms of affordability and availability. It would also need to be available in Welsh and English and fit around solicitors' working patterns - as easy as it would be, offering 'a day in Llandrindod Wells for £500 per person' would not be an appropriate solution for solicitors who cannot afford to leave their office duties.

[page 12]

12.To what extent do current university curriculum and vocational and professional development courses reflect the law in Wales and the need to deal with the digital revolution and how should they be further developed?

Because Universities tend to access international markets, there is a tendency to disregard Welsh law. This is led by the requirements of the SRA and the Bar, which do not require an understanding of devolved law. It is also led by matters such as REF which also emphasises the nature of international research, and therefore common law (which is intrinsically a subject with national boundaries) and Welsh law are subjects which do not meet measures of international impact. Some Universities insist that work is published in specific, influential journals but yet they do not show an awareness of Welsh law and so, despite its importance and quality, the work does not succeed in meeting measures which influence the success of departments and universities due to a lack of enthusiasm for its publication and its limited relevance.

Furthermore, since law textbooks do not include many references to Welsh law, students are not keen to study it. Welsh medium education is also considered as an addition to English medium provision. Therefore, when departments make staff cuts, it is considered easier to forfeit Welsh provision as it attracts a smaller audience. There are many factors which affect Universities' ability to reflect Welsh law, including:

1. Staffing capacity. Because universities are required to meet many needs (students wishing to qualify as solicitors, students not wishing to qualify as solicitors, students from Wales, the UK and foreign students), it is often a matter of meeting the needs of the majority, especially when staff cuts are being made. As a result, Welsh matters are often considered minority issues, and therefore Universities are unwilling to provide extensive provision on the subject, as it is not considered something which would be attractive to students from outside Wales. Furthermore, universities' main business is students and so, unless there is significant financial gain to be made from offering CPD courses, it is often not possible to prioritise this in order to meet needs beyond the needs of students.

[page 13]

2. Popularity

Because of measures of student satisfaction, universities must offer modules with a high level of satisfaction and success. Modules on public law tend to be less popular amongst students who often study law despite the fact that their interest lies in politics or media studies. Therefore, subjects which require technical and detailed understanding of the law, such as public law, are often unpopular and, as a result, there is little incentive to develop optional modules in these fields. Therefore, students tend to find that modules which require a deep and detailed understanding of the law are more difficult and, as a result, they are less popular.

3. Aspects

Universities are very eager to attract international students and students from England. It is therefore felt that there is nervousness about placing too much emphasis on the Welsh context due to concerns about its impact on international recruitment as students are aware that it would not appear in a curriculum offered in England. It is also felt that there are concerns about what information they are getting because they are learning about Welsh law.

4. Individuals

Some individuals continue to disregard Welsh law – the contents of the curriculum depends on individuals, and so a more comparable element including Wales can be included in some modules, whereas other modules focus only on English law.

5. Resources

Due to the fact that the education system has created a rather narrow educational framework where students are trained to sit exams, students tend to read textbooks rather than primary sources. Also, the education system has led to the need to create specific marking frameworks and therefore there is no incentive to undertake extensive research in order to offer new understanding. Students tend to find primary materials and articles too difficult to read, and therefore research tends to focus on what is in the media. As a result, the focus on English law in textbooks means that students are often frightened of more extensive materials and therefore, unless individuals have a specific interest in the field, Welsh law tends to be disregarded. As a result, appropriate resources are needed in order to develop an understanding of Welsh law. However, there are some materials available for some modules as some fields such as environmental law and aspects of criminology include Welsh case studies, and therefore students can see more relevance to it. This could be due to the fact that criminology places more emphasis on the offender and the victim, and therefore, has more local relevance (the topic includes people who live in the same town as me, or people who are similar to my family). However, the legal system includes more unfamiliar people and things - legislative drafters, judges, politicians, and so the local study is less relevant.

There is currently some uncertainty about what form the law degree will take following the introduction of the Solicitors' Qualifying Examination. Because universities are able to provide modules that meet the needs of their students, guidance on the aspirations of the legal profession in Wales (including devolved law) may be beneficial - if, say, the National Assembly for Wales states that better understanding of Welsh law is needed to qualify as a solicitor, this will give universities more encouragement to tailor their new degree courses to reflect this. Modules such as these may be attractive as standalone course, work-based learning courses or CPD. However, organisations are not able to simultaneously offer a module which is an undergraduate and post-graduate module within their current frameworks.

13. What is the current provision for the Welsh language within the justice system and legal education in Wales? How should Welsh language provision within the justice system and legal education in Wales be improved?

[page 15]

Currently, Welsh medium provision is treated as a secondary consideration in both fields and is not planned from the outset. There is a need to create opportunities for people to speak Welsh within the legal system, as there tends to be a gap between oral and written ability. The opportunity to use Welsh also has to mean that there is an understanding of what is said in Welsh, without having to depend on translation. The reality is that using Welsh currently means translating, and the subsequent change in meaning. It also means delays, and often documents and websites are not updated. Also, online sources often ask for language preference which directs users to one language or the other and, although there are advantages to this, it does not consider that many people use a combination of Welsh and English and change between the two depending on the context, subject and situation. Catrin Fflur Huws' work (An Empirical Study into the Use of the Welsh Language in the Courts in the Twenty-first Century, PhD, University of Wales Aberystwyth, 2006) offers some suggestions on obstacles to using the Welsh language in a legal context. These include:

- a. the use of Welsh as a deviation from the legal norm*
- b. dependency on translation*
- c. access to Welsh through written media*
- d. lack of opportunities to use Welsh orally*
- e. lack of opportunities to use Welsh in less formal context and at the first point of contact e.g. legal advisors, the police, probation sessions etc*
- f. failure to identify situations where a Welsh language service is required in order to encourage meaningful use. This is discussed further in Huws (2017) 'Critical Mass and Insecurity in Minority Language Policy' 25(1) International Journal of Minority and Group Rights.*

The legal education system in Wales includes University provision (80 credits a year in Cardiff, Bangor and Aberystwyth Universities and 40 in Swansea). However, provision is fragmented. There is a lack of appropriate materials and a dependency on a small number of staff - a situation which is difficult to sustain in the case of illness, redundancies or absence. There is not enough scope to offer entire degree courses in Welsh, and therefore provision tends to be bilingual (e.g. English lectures and Welsh seminars). This may mean that bright Welsh students are not given enough opportunities to develop their talents against a sufficient pool of other able students. There is insufficient provision at LPC level leading to more extensive use within the legal professions – Welsh medium provision has been an optional and additional element in restricted contexts such as advocacy.

[page 16]

Provision is considered to be fragile. Financial support is currently provided via sponsorships and funding from the Coleg Cymraeg. This means that universities are keen to offer extensive provision in order to be competitive. However, there is some objection to the fact that staff resources (teaching hours) are being used for a minority of students, thereby placing an additional burden on other staff. Therefore, unless financial incentives are offered, departments and universities are likely to decide that the hours of staff time used to teach in Welsh would be better used to meet the needs of a larger group or additional market.

However, although provision is available in several locations, gaps do exist. For example, there are less separate materials available for students studying through the medium of Welsh. In terms of Welsh medium seminars, provision may be more restricted if seminars are conducted by a less experienced member of staff where the module coordinator does not remember about the Welsh language provision.

It is suggested that greater collaboration is needed between organisations, but there are many organisational obstacles to this. For example, if a student attends University A, University B objects to educating the student as they don't pay fees to University B. The student also objects as they pay fees to A but receive lectures from B via a video link – a less satisfactory provision than 'live' lectures. Serious difficulties are also seen with regard to organisational processes such as meeting quality requirements, fitting modules provided by university A into university B's curriculum framework (for example University A offers a 10 credit module in Welsh, whilst university B operates a framework of 20 credit modules). Where students are dissatisfied with provision, it is very difficult to find a solution (University A cannot criticise University B's teaching standards but cannot resolve the situation either).

[page 17]

There is also a gap between the skills needed for a degree course and the skills needed for work. A degree course focuses on formal scholarly skills which may be necessary for some legal careers (drafting legislation). However, in other areas, more informal oral (interviewing) skills may be more beneficial.

14. Is access to Welsh law properly available?

No. There is a lack of awareness of the law from many corners - the result of ignorance on the part of resource/textbook providers (there isn't a market for it) and a lack of effort to discover more (I wouldn't feel confident to advise on Welsh law). We see general statements such as 'the law in Wales may be different' but this does not create sufficient awareness of the law, and it also maintains the idea that Welsh law is not as important as English law. As a result, guidance is needed from several corners. Publishers must be made aware of the fact that textbooks need to include details about Welsh law.

Both Parliaments also need to be more precise in passing and amending legislation to correct acts where power is held by the Welsh Government. For example, the Education Act 1996 has been amended several times, and in various ways for England and Wales. Therefore, when the education secretary for England, for example, amends that act for England, it must also state that the new section applies to England only, and that the unchanged section applies to Wales only.

Advisory bodies without legal training must be made aware of the law, as there are many aspects of Welsh law which deal with issues on which people are not likely to seek legal advice from a solicitor e.g. renting houses. With more firms offering legal packages, Wales-specific packages and England-specific packages must be made available. Lack of availability of Welsh law has a far greater impact on legal advisors than universities, as universities have more scope to access sources for a fee (such as Lexis Nexis). However, this isn't necessarily true for legal firms.