

Impact template (REF3a)

<p>Institution: Birmingham City University</p>
<p>Unit of Assessment: 20</p>
<p>a. Context Applied research is a core value of the research strategy of Birmingham City University (BCU). Research that lends itself to direct and indirect transferable benefits to a wide range of interested parties is actively promoted and facilitated.</p> <p>The Centre for American Legal Studies (CALS) was set up in 2010, and launched in March 2012. The Centre has received significant strategic and resource support from BCU. A second research unit, the Unit for Contemporary Legal Studies (UCLS), was set up in 2011. CALS was established to: take advantage of the inter-disciplinary research which exists within the Faculty (with the Department of Criminology for example) and the University: to facilitate the use of legal theory in practice; to aid research in areas that have a significant positive impact on international legal discourse and policy; and to support the American Legal Practice Programme, which is the largest student internship programme of its kind in the UK. CALS attempts to bridge the gap between academic discourse and thinking with the work of the wider community and has links to a number of anti-capital punishment interest groups and Non-Government Organisations (NGOs).</p> <p>UCLS provides a focus for those researchers who are undertaking research in areas other than American law, providing them with a mechanism for support, mentoring and academic community. The research undertaken by members of this Unit is disparate, but there is a discernible body of rights-based research which has benefitted for certain minority groups within society. In addition to changes in law and policy in Jersey, other research in the unit has influenced UK legal education and contributed to the development of environmental policy in Wales.</p> <p>The research centres in the School of Law have, through their research, developed strong links with the following organisations: the Foreign and Commonwealth Office; the Council of Europe; the American Bar Association; the National Association of Criminal Defense Lawyers (US); The Bar of England and Wales Human Rights Committees, the Law Society of England and Wales International Human Rights Committee; the European External Action Service; the International Academic Network for the Abolition of Capital Punishment; the Arizona Justice Project; Amicus; Reprieve; The Royal Marines Association; the UK Environmental Law Association; the Institute of Law, Jersey; the Jersey Community Relations Trust; the Welsh Assembly Government; the Institute of Welsh Affairs, as well as with academic institutions in the US, including Hofstra University, the University of Oklahoma College of Law at Norman and the University of Indiana Maurer School of Law.</p> <p>In addition to this CALS edits and produces the British Journal for American Legal Studies, a peer-reviewed journal which is rapidly gaining a reputation for its prestigious and provocative learned articles (recently endorsed by a U.S. federal judge) .</p>
<p>b. Approach to impact The overarching strategy of CALS and UCLS is to undertake research that has a currency with practitioners as well as being framed within a rigorous theoretical context. To this end researchers are encouraged to engage with the profession as frequently and formally as possible through membership of professional and governmental committees and organisations that seek to improve the quality, transparency and coherence of the law. The information below highlights how this strategy has been implemented by specific members of staff.</p> <p>CALS has an international impact as it benefits local, regional and international communities by facilitating a sharing of knowledge and skills between its stakeholders in order to contribute positively to important legal issues. Academic training is provided for internationally renowned charities, such as Amicus and Reprieve (Killingley, Yorke and Cooper); and information disseminated by means of lectures to a range of groups including Amnesty International in Birmingham (Killingley, Yorke and Cooper), Freshfields (Killingley) and various Public Defenders in the US (Cooper).</p> <p>Members of the Centre have filed several amicus curiae briefs in the US Supreme Court on behalf of a range of organisations including the Bar Human Rights Committee, Amicus, Amnesty International, Law Society International Human Rights Committee and the National Association of Criminal Defence Lawyers (Killingley). The brief by Killingley and Gorman (now at Reprieve) of <i>Graham v. Florida</i> 130 S. Ct 2011</p>

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(2010) led to the US Supreme Court prohibiting the imposition of whole life sentences without parole on juvenile defendants. The most recent brief of *Miller v. Alabama* case (**Killingley**) involves the treatment of juvenile homicides.

Cooper is a Fellow of the Arizona Justice Project, which deals with wrongful conviction case analysis by means of a case post-mortem. She has worked on two cases, that of Bill Macumber and X Collins and has orchestrated the legal strategy, investigation and drafting of Macumber's petition for post-conviction relief and clemency application. Her research into the quality of scientific evidence in Arizona courts was instrumental in Macumber's release in November 2012 after spending forty years in jail.

Cooper is continuing her work in relation to Collins. **Cooper** has also worked with the Maricopa County Committee for the Representation of Indigent Defendants in Capital Cases and has helped devise a new attorney appointment application form, so that it conforms to relevant procedural rules and constitutional guidelines. **Cooper's** contribution to the Macumber case has recently been incorporated into a non-fiction novel entitled *Manifest Injustice*, written by Pulitzer Prize winning journalist, Barry Siegel.

Richardson-Oakes' and Davies' paper on judicial propriety (51 Santa Clara Law Review 573) has been cited in an appellate brief in the Supreme Court of Wisconsin (*Wisconsin v. Sellhausen* 2011 WL 2250997 (Wis.)). It has also been cited in 2 Witkin Cal. Proc 5th Courts s57, Conduct of Judicial Proceedings (Canon 3) (a practitioners' reference for inclusion), and in an article in 43 Colum. Hum Rts. L. Rev 349, 413 (2012).

Yorke's work has a European dimension. **He** was invited to deliver a lecture at the European Commission and was a Working Group Member for the drafting of EU Instruments in the Fight Against the Death Penalty, in Brussels from 12-13 July 2010. He is a founding member of the International Academic Network Against Capital Punishment, and was asked to present the overview of the quinquennial report of the death penalty to the United Nations Commission on Crime Prevention and Criminal Justice, Twentieth session, Vienna, Austria, 11 - 15 April, 2011. Since 2011, **Yorke** has been a member of the Foreign and Commonwealth Office Death Penalty Expert Group (a sub-group of the Foreign Secretary's Advisory Group on Human Rights), and he advises the British government on bilateral and multilateral initiatives. His report on Islam and Human Rights for the Senior Minister of State, is now used by the FCO to inform dialogue between British Consular Officials and Asian governmental representatives. On 9 October 2012, he presented advice on the strategy for the forthcoming vote in the UN General Assembly on the Resolution for a Moratorium on the Death Penalty. Most recently, in June 2013, **Yorke** was invited to address the Academic Session of the World Congress Against the Death Penalty at the Royal Academy of Fine Arts in Madrid. **Yorke's** panel was chaired by Mr. Jose Luis Rodriguez Zapatero, former Prime Minister of Spain.

Thomas was appointed Visiting Professor of Law in the Institute of Law Jersey in 2009. She has written the first comprehensive guide to succession law in Jersey (ISBN 978-1-908716-07-1), which is a unique system of law in that it is based on Norman-French customary law. As a result of this research she was asked to produce a report for the Jersey Community Relations Trust (funded by the States of Jersey) to examine and report on human rights compatibility and conflict as a result of the ECHR and the law of succession in Jersey. This forms one of the Impact Cases.

Davies is co-convenor of the Wales Working Party and a member of the National Council of the United Kingdom Environmental Law Association. In these roles he has been involved in providing education and training for practitioners, and in drafting and coordinating consultation responses to government policy particularly in relation to sustainability, social justice and waste policy.

c. Strategy and plans

The strategic framework supports impact in the following ways:

Funding:

CALS has been recognised as one of the University Centres of Excellence, which will potentially give it access to funds in the future. Although CALS did not submit to RAE 2008, and is not therefore in receipt of QR funding the University and Faculty have invested substantially (approximately £28,000 over four years) in Centre resourcing, allowing staff to travel to the U.S. to attend conferences and conduct research and to undertake research sabbaticals.

UCLS has also received University funding. For the academic year 2012-2013 the unit received £10,000 to facilitate conference attendance by research active staff.

The funding for both the Centre and the Unit is in addition to monies available in the general staff development fund (approximately £500 per person p.a.) that is accessible by all members of staff, to facilitate conference attendance and other forms of staff development. There is a Faculty fund available for all research active readers and professors, which can be utilised for a variety of research-related activities.

Impact template (REF3a)**Staff Development:**

The school operates a research mentoring system whereby more experienced members of staff guide ECRs as to how to identify research areas with potential impact in the profession and wider society and the means by which to disseminate their research among interested stakeholders in the profession, in government and in NGOs.

Specific strategies within staff development aimed at improving impact include:

- Funding of appearances by research staff (including PGRs) at national and international conferences, seminars and symposia.
- The development, in line with wider Faculty and University initiatives of a high quality digital forum for the dissemination of our research, including web sites and strategic use of social media such as LinkedIn, Twitter, Facebook and blogs. Yorke's recent successes in this area will serve as a model for future developments.
- Developing active engagement with government policy makers and legislators. This will draw on Yorke's and Davies' recent experiences of liaison with the FCO, the Council of Europe, the EU and the Welsh Government.
- The maintenance and enhancement of external links with (i) other educational establishments in the UK and abroad, (ii) non-governmental organisations, and, (iii) the legal profession.

Liaison with Business Development:

Within the Faculty we have an Associate Dean for Research and Business Development who continually encourages the dissemination and application of research findings in a commercial context wherever possible. This is an effort to ensure that research has the maximum possible practical impact among interested stakeholders. This is reflected at School level where one of the deputy Heads of School has a similar devolved responsibility. Staff development courses and development days designed to provide appropriate training is a regular feature of the academic year.

d. Relationship to case studies

The two case studies submitted have emerged as a result of the School policy of engaging in active and topical areas of policy and legal development. Both Dr Yorke and Professor Thomas established national and international reputations in their respective fields by disseminating their expertise through judicious publication, presentation at conferences, through the use of multimedia and social networking outlets, by responding to government/NGO calls for advice and consultation and by actively targeting interested stakeholders. The resultant significance of the impacts reflects the strength of the relationship with these organisations and the strategies that were developed to raise the profile of our research. We consider them to be our best examples of how such research can have a demonstrable and positive impact on law and social policy and they are to be used as templates for the pursuit of high impact research in the future, and as the basis for training programmes for other research active staff in the school.