



# JUDICIAL STANDARDS OF A LEGAL EDUCATION

*Draft of October 28<sup>th</sup>, 2017*

Mindful that:

1. The law is the fundamental organizing principle of a civil society;
2. Only through the rule of law and its predictable and transparent application can a civil society be sustained and thrive;
3. Judges must model the moral and ethical standards that are the essential underpinnings of the rule of law.
4. Without a strong commitment to educate citizens as well as practitioners in the law, a civil society cannot flourish;
5. A sound comprehension of the judicial system and its policies and procedures is an essential component of understanding the legal system;
6. Legal education is necessary not only for those whose career aspirations are to be in the legal field, but also for those who will enter a variety of other careers not necessarily involved in the practice of law;
7. The legal education program of schools is regulated by internal as well as external private and governmental bodies;
8. Jurisdictions vary as to:
  - a. the entry requirements for tertiary law studies in educational institutions,
  - b. expected outcomes for tertiary and post-graduate legal education;
  - c. the regulatory oversight and responsibility over legal education, and
  - d. the qualifications and educational requirements for admission to practice;
9. The degree of faculty autonomy with respect to the materials they assign, including the curriculum, itself as well as class instruction differs from school to school.

The Judicial Council of the International Association of Law Schools recommends to tertiary educational institutions that they subscribe to the following basic principles in teaching law and the foundation of an effective, ethical, and responsible judicial system.

- 1) Legal education should provide a law student with the understanding that
  - a. Decisions made in accordance with the law should embody the values of:
    - i. Consistency with established law and objective legal principles;
    - ii. Due Process in transparent procedures as to the administration of law;
    - iii. Rational determinations supported by the weight of acceptable evidence;
    - iv. Equality for all before the law; and
    - v. Proportionality as to the result.
  - b. The law should guide the lawful use of power (private and public).
  - c. The law should uphold and promote human dignity.
  - d. The law and legal processes should be fair and transparent.
  - e. The law and its application should promote stability and predictability in relationships between individuals (including legal entities) as well as between individuals (including legal entities) and the state.
  - f. The law should provide reasonable access for all to the judicial system.



- 2) Legal education should teach, model and shape a student's sense of the moral and ethical responsibilities of someone trained in the law
- 3) Legal education at all levels should provide students with sufficient learning opportunities to develop the following essential skills:
  - a. Analytical reasoning specifically as it relates to legal matters
  - b. Knowledge and application of doctrinal law.
  - c. Written and oral skills of effective rhetorical argumentation within the context of the law.
  - d. Knowledge, sensitivity and application of moral and ethical values inherent in the rule of law.
- 4) When the initial law degree is an undergraduate degree, a legal education should:
  - a. Provide a broad education in other subject matters so that a law student gains a fuller understanding of the context in which law is formed and utilized in modern society.
  - b. Avoid particularly an overemphasis on memorizing doctrinal law and the intricacies of law practice.
  - c. Where entry to the legal profession requires more than an undergraduate degree, provide basically the same curriculum for all undergraduate law students with an emphasis on a broad education, leaving the professional training to the later prerequisite training.
  - d. Where the undergraduate degree is sufficient for entry to the legal profession, provide specialized professional training in the 3<sup>rd</sup> and 4<sup>th</sup> years of tertiary education for students who wish to engage in the legal system as lawyers, judges or prosecutors.
- 5) Tertiary educational institutions which have a degree program for the study in law should:
  - a. Conform to the requirements of local regulatory authorities, and
  - b. Conform to the standards and outcomes provided in the IALS Singapore Declaration of Standards and Outcomes of a Legal Education.
- 6) Legal Education evaluative processes should conform with the standards established in the IALS Madrid Protocol on the Principles of Evaluation of a Legal Education.
- 7) Legal educators should encourage the interaction between judiciary and the legal academy so each can learn from each other.
- 8) Legal educators should engage in community outreach to elementary and secondary schools to foster a belief and commitment to the rule of law.

**By the:**  
**INTERNATIONAL ASSOCIATION OF LAW SCHOOLS**  
**JUDICIAL COUNCIL**

## SINGAPORE DECLARATION ON GLOBAL STANDARDS AND OUTCOMES OF A LEGAL EDUCATION

*The following principles outline global standards and outcomes of a legal education.  
These principles establish a baseline and a common language for future efforts to improve legal education.*

### Global Standards for a Legal Education

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#### 1. Regulation

Regulation of legal education and internal law school governance should be:

- i. Formulated with law faculty input and be subject to domestic, and where appropriate, international peer review;
- ii. Objective;
- iii. Transparent;
- iv. Verifiable;
- v. Consistently applied;
- vi. Informed by evolving domestic and international norms; and
- vii. Jurisdictionally specific.

#### 2. Students

##### A. Selection of Students

It is recognized that admission standards should be based on established local criteria taking into consideration the jurisdiction's public policy as to admission criteria of students into higher education.

Student selection should be:

- i. Objective;
- ii. Transparent;
- iii. Verifiable;
- iv. Consistently applied; and
- v. Informed by evolving domestic and international norms.

##### B. Evaluation of Students

Student evaluations should be incorporated in a comprehensive legal educational program to enable law graduates to attain the outcomes specified in the Statement of Principles: Outcomes for a Legal Education. They should be:

- i. Objective;
- ii. Transparent;
- iii. Verifiable;
- iv. Consistently applied,
- v. Informed by evolving domestic and international norms.

It is recognized that there are a variety of forms of student evaluation which vary from jurisdiction to jurisdiction, as well as from institution to institution.

It is recognized that there is a growing emphasis on formative rather than purely summative evaluations of student performance.

### **3. Faculty**

It is recognized that local standards, needs and resources guide the recruitment, evaluation, advancement and retention of law faculty.

Local standards should be:

- i. Objective;
- ii. Transparent;
- iii. Verifiable;
- iv. Consistently applied;
- v. Informed by evolving domestic and international norms.

### **4. Curriculum**

It is recognized that there are many methodologies in teaching law. All such methods should inform the faculty as to how best to educate their students in the context of local needs and resources.

Local standards should be:

- i. In conformity with established local criteria and policies;
- ii. Comprehensive and flexible;
- iii. Tied to the Principles of a Global Standard for Outcomes of a Legal Education;
- iv. Informed by evolving domestic and international norms; and
- v. Subject to periodic domestic, and where appropriate, international peer review

## **5. Infrastructure – Physical, Technological and Administrative**

It is recognized that the physical, technological, as well as access to legal resources and the administrative infrastructure of an educational institution are fundamental in achieving the Outcomes of a Legal Education. It is also recognized that educational institutions must work within the context of the resources available within their jurisdiction.

Infrastructure should be:

- i. Sufficient and adequate to enable the institution to achieve the Outcomes of a Legal Education;
- ii. Informed by evolving domestic and international norms; and
- iii. Subject to periodic domestic, and, where appropriate, international peer review.

## **Outcomes of a Legal Education**

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### **A. Knowledge**

A law graduate should know and understand:

- i. The core areas of substantive and procedural law;
- ii. How laws are created, implemented and changed; and
- iii. The contextual underpinnings of the operation of law (both domestically and globally).

### **B. Skills**

A law graduate should be proficient in:

- i. General academic skills, including critical analysis and reasoning;
- ii. Researching, reading and analysing legal materials;
- iii. Problem solving, planning and strategizing how to comply with legal requirements; and
- iv. Constructing a legal position and effectively communicating (orally and in writing) within a legal context.

### **C. Values**

A law graduate should know and understand the need to act in accordance with:

- i. The professional ethics of the jurisdiction; and
- ii. The fundamental principles of justice and the rule of law.

*Adopted by the International Association of Law Schools at the inaugural Global Law Deans' Forum, held at the National University of Singapore Faculty of Law, 26 September 2013.*



## **MADRID PROTOCOL ON THE PRINCIPLES OF EVALUATION OF LEGAL EDUCATION**

Recognizing that there is a diversity of approaches, higher legal education evaluation must:

- 1) Respect the competence of the legal academy to set, maintain and improve legal education standards;
- 2) Promote each institution's distinctive mission while taking into account its context; and
- 3) Acknowledge the views of relevant internal and external stakeholders.

Therefore, standards of any evaluative process must be:

- 1) Formulated with law faculty input and be subject to domestic, and, where appropriate, international peer review;
- 2) Jurisdictionally and institutionally specific;
- 3) Informed by evolving domestic and international evaluative practices;
- 4) Objective;
- 5) Transparent;
- 6) Verifiable; and
- 7) Consistently applied.

*Adopted by the International Association of Law Schools at the 2<sup>nd</sup> Global Law Deans' Forum, held at IE University, IE School of Law, Madrid, Spain, 27 October 2015.*