not post their character attributes on their forehead for ready reference, nor is it obvious that they reveal these traits in standard applications for admission. The information must be teased from the available data. If measures of character traits are found that affect grades, the inference follows that grades also incorporate other character attributes that are unmeasured.

Performance in law school is a key variable that employers consider in hiring new talent. What is embodied in class rank? If it is raw ability, employers could hire new talent on the basis of IQ. If it is the amount of legal knowledge assimilated by students, employers could hire new recruits on the basis of a kind of postgraduate LSAT. While law schools presumably confer information about the theory and practice of law, it is likely that they also perform a sorting function.

Law schools presumably ascertain the level of excellence that each student is capable of, or intent on, achieving. While ability is an obvious factor that determines ultimate success in law, students' underlying character attributes are perhaps a more important predictor of success. We might think of these factors as reflecting either students' motivation or their willingness to place professional success high on their list of priorities.

If law schools could measure these factors in the application forms they receive from prospective students, the entering class might be quite different. As it stands, the inability to measure important character attributes in the admissions process is one reason that law schools add value. That is, students' GPA and class rank in law school provide information that is not apparent from inspection when students first enter.

Students' unobserved traits are importantly related to their promise as lawyers. The data show that these behavioural patterns are gradually subsumed in students' grad point averages as they proceed through law school. By the time they become job applicants in the legal market, they have revealed much of what is important in a single measure, namely class rank. Put differently, class rank measures likely success more accurately than raw scores reflecting ability, and this information represents an important source of value added by law schools.

JUDICIAL EDUCATION

Judiciary school: a proposal for a pre-judicial LLM degree
M Amy
52 *J Legal Educ* 1 & 2, 2002, pp 130–144

In the United States the judiciary is the least understood branch of government. Necessary corollaries to the judicial function, such as judicial independence, are daily assaulted and criticised, or defended and praised. Although educational programs are available to judges after their ascent to the bench, an American system for the education of judges before any judicial service is nonexistent. The author proposes an academic degree program, an LLM for prospective judges.

Most of the existing programs for sitting judges are not degree programs and are limited in duration and scope. Judicial education is not now a requirement for judicial selection in this country. With minor exceptions judges have no formal preparation for judicial service other than law school. After law school a career in private practice, government service, or legal academic — or some combination thereof — forms the basis on which a judicial selection is made. Because no jurisdiction in the US requires judges to have an academic degree in judging, nor does any jurisdiction offer such a degree, the qualifications to become a judge often begin simply with the requirement that one be a lawyer. Whatever the process of selection, formal pre-judicial training for prospective judges would assist the selection process.

Legal education in the civil law systems is marked by early career definition and a focus on judicial education before judicial service, rather than continuing professional education after becoming a judge. Instead of pre-service judicial training, common law countries prefer in-service and continuing professional education for judges already selected and serving. As a result of these historic patterns, the emphasis on judicial education in common law countries is the peer-group educational model, and in civil law countries, the law school education model. The new LLM program would partake of both models.

How much more sense it would make to improve the American judiciary by improving the educational background of the pool from which judicial candidates are drawn. A pre-judicial education program could attract candidates from throughout the profession, not bound by political forces, partisan obligations or elitist expectations, but free to explore the judicial process in an academic environment.

A university environment allows a judge to acquire new information and explore new pathways of thought, using a different learning methodology from that used when experience is the teacher. Professional and/or political experience, without the benefit of academic training in a university setting, fails to realise educational opportunities that would be particularly effective for future judges.

Emphasis on an academic degree is appropriate because of its objectivity. An academic degree signals not only successful completion of a course of study, but some expertise in the subject matter of the curriculum. Moreover, in an academic program students would be at liberty, before they became judges, to question and explore the ideas of many legal writers

and theorists before settling into an individual philosophy. Additionally, an academic degree, in the sense that it may be earned, is available to all those who seek it out. The unsystematic character of current selection systems diminishes the ability of individuals to move toward a career in the judiciary through self-directed career paths.

For many law schools there would be institutional benefits associated with a program to train the judiciary. If a program is founded, study of the judicial process in academic settings should correspondingly flourish. As for curriculum, it is not only possible but advisable to borrow liberally from the ideas of the two already established master's programs for judges: the University of Virginia's LLM program for appellate judges and the National Judicial College's master's program for trial judges. Other programs in law and economics, social science and the law, statutory interpretation, international law in American courts, and contemporary legal thought are all offered at Virginia and would make a fine combination for the first semester of a one-year curriculum. In planning the next portion of the program, it is appropriate to draw on the experience of other systems, as in the Continental models, which incorporate a pre-professional period of training similar to an apprenticeship. Some practically centred teaching should be incorporated into the academic degree program proposed here.

In the second semester the course work should diverge from the purely academic and focus on more practical aspects of judging. Judicial opinion writing should find a place in this semester of study as a separate course. Judicial ethics and the Code of Judicial Conduct should be the focus of a course on professionalism, which also should touch on issues of decorum and deportment, use of the contempt powers of the court, and life beyond the bench. One last general area of study, though it might be considered political science, should be the broader context of the judiciary and judicial processes. The primary aim should be a full-time program, with residency requirements, ending with a thesis. An executive LLM program of longer duration, again requiring a thesis, should also be considered for those who are interested in the course but cannot become full-time students.

If an LLM program in the judicial process is founded, important new effects may be felt. Although this is completely speculative, it seems logical that such a program would give rise to greater diversity in the judiciary. Education is a great equaliser. Because entry into the program would be born of desire and individual accomplishment, rather than circumstance, the factors which have historically confined judicial selection to a fairly narrow segment of the population might dissipate. Probably the profession would become increasingly professionalised as a discrete and specialised field of law. New education and training programs would be necessary to complement the developing definition of the judiciary as a specialised field within the legal profession.

LEGAL EDUCATION GENERALLY

REVIEW ARTICLE

Effective learning and teaching in law
R Burridge, K Hinett, A Paliwala & T Varnava (eds)
Kogan Page, 2002
210pp

This book is part of a series of publications commissioned by the Institute for Learning and Teaching and the publisher on effective learning and teaching in various higher education disciplines in the United Kingdom. The primary aim as stated by the editors is to promote an 'approach to legal education that is founded on the development and recognition of the law teacher as a professional educator. This professionalism, it is argued, encompasses a commitment to the teaching and the support of learning evidenced by the approach taken to assessment, the design and planning of learning activities and the provision of suitable learning environments.' *(p.xi)*

Chapter 1, written by Varnava and Burridge, traces the context of UK legal education and analyses the factors contributing to its recent development, in particular, the impacts of higher education policy, the legal professions and the law schools. From this examination they draw out the key issues that they say need to be addressed if progress is to be made beyond the rhetoric of the competing stakeholders. They then survey how law schools are responding to these issues. Finally, they explore the characteristics of law teachers as reflective practitioners, suggesting that the way forward is for them to assert and reinforce their own identities as professional educators.

In chapter 2 Roger Burridge contends that the traditional cognitive approach to law teaching, envisaged as the assimilation of a prescribed quantity of rules and the application of legal principle and established precedent, is doomed to failure. He advocates an approach to curriculum based on experiential learning designed to imbue a problems-solving methodology and ethical sensitivity in all students, whether destined for legal practice or not.

Karen Hinett and Alison Bone stress the importance of the role played in law teaching by evaluation and feedback. In chapter 3 they explore a range of approaches to developing assessment strategies tailored to the complexity of program objectives and their learning outcomes. They advocate a comprehensive approach to student feedback to support learning, utilising self and peer assessment.