art history, there are those who challenge the traditional models of creating, finding, and testing claims about knowledge and truth within a particular field. Pragmatic legal rhetoric perspectives expose students to the diverse, and sometimes conflicting, values behind those rules. It presents a perfect opportunity not only to learn to make arguments on all sides, but also to learn how to critique those arguments persuasively.

The link of pedagogical choices to pragmatic legal rhetoric is that, when student voices dominate in class, students not only learn to argue and persuade through actual experience, but also learn the importance of listening and evaluating the arguments of others. Helping our students to become aware of their audiences also has implications for the ethical dimension of a pragmatic rhetoric approach.

The Evidence course devotes a fair amount of time addressing what makes for effective legal argumentation and persuasion. The importance of narrative and the relevance of context, the power of language and an examination of how evidence is unfairly prejudicial are considered. It is possible to have a notion of truth that is not so objective, universal, absolute and concrete, that a bright-line standard of reliability applies to all disciplines, but that is sufficiently reliable within the constraints of a particular field to allow an expert in that field to render relevant opinions. In other words, truth, in various disciplines, depends on the context. Students should be persuaded that the text of Evidence rules, legislative history, canons of statutory construction, case law, social science, and Bayesian analysis are all 'tools' of persuasion and that they are responsible for making the language of Evidence come alive in the minds of their audience.

Two unique qualities of pragmatic legal rhetoric are self-consciousness and sensitivity to audience. We should try to help students recognise their responsibility for the language they use and increase their awareness of their relationship with an audience. This is an ethical question, for it is inherently a question about the nature of the relationship between the speaker and the listener. A pragmatic legal rhetoric perspective invites one to consider a range of answers to the question, 'what should I say?', which can change depending on time and context. What helps our students become better at the use of Evidence is to teach them to think carefully not only about what they can say, but also what they should say and how they should say it.

One of the latest fashions in academia is mentoring. A law professor is almost always on display, at least for his or her students, but a 'mentor' is someone who agrees, if only tacitly, to show the way to a novice. The author has found this pragmatic legal rhetoric perspective to be highly satisfying, both professionally and personally. Scholars and teachers of Evidence should try to become better citizen-lawyers and should try to help their audiences, whether students or readers, become better citizen-lawyers too.

JUDICIAL EDUCATION

Globalisation of judicial education

J C Wallace

28 *Yale J Int'l L*, Summer 2003, pp 355–364

Up to this point, judicial education has largely been considered to be local and insular. The assumption has been that each country's judicial system is unique and therefore requires a unique type of judicial education. Much of the individuality among various countries' judicial education results from not being sufficiently exposed to other methods. With little or no cross-fertilisation of ideas, individuality may well occur, but may be based upon a lack of knowledge, rather than a perception of specific needs and an understanding of judicial training options.

Judicial education includes instruction in judicial process, procedure, skills, and attitudes and also includes teaching judges substantive law, such as new trends in international law. Globalisation of judicial education does not mean that all judges should be trained exactly the same way in each country and should not mean uniformity. It also does not mean an undue focus on the process of quickly closing cases at the cost of not achieving a just result. Globalisation means attracting worldwide participation and establishing synergistic relationships as countries explore and experiment together with education curricula and methodologies. The goal would be to enhance judicial education worldwide, resulting in improvement in court systems and eventually global establishment of the rule of law.

In some parts of the globe, judicial education programs are said to differ depending on whether the legal system is based on civil or common law. In civil law countries, judicial education follows the traditional law school model where students enroll in a program of lectures to prepare them for judicial service. In contrast, common law counties train judges through the peer group educational model in a continuing legal education context, focusing on 'learning by doing' in lieu of the lecture-style of the civil law countries.

Those countries with small judicial systems tend to conduct little judicial education and generally produce no written resources to help judges. Nations with larger judicial systems generally have established organised judicial education systems. These training programs appear to range from well-established, such as those of Australia, Korea, and Thailand, to still-developing, such as those of Lao PDR, to those programs in a state of transition, such as that of Nepal.

Globalisation would attempt neither to amalgamate all judicial education nor even to define a 'right way' to train judges. A globalised system based on the generic principles of judicial education would improve and enhance court systems, irrespective of the country's legal system, size, wealth or age. Finally, globalisation of judicial education offers the three distinct benefits of improving the method, results and resources of existing education systems.

The educational approaches of today's courts differ profoundly. The civil law systems place faith in the traditional law school educational model, while the common law systems prefer the peer group educational model of continuing legal education. The distinctions between civil law and common law jurisdictions are decreasing or disappearing altogether as countries adopt effective principles of judicial education, regardless of their underlying legal system. The general principles of effective judicial education are the same everywhere.

The more one sets aside teaching local substantive law to judges and focusing more on processes, procedures and administrative matters, the more generic judicial education becomes. Analogous to procedural training are issues dealing with judicial independence, judicial correction, budget development and control, and methods of presiding as a Chief Judge. Curriculum development in these areas can be shared if there is a means to do so.

The globalising legal community heightens the realisation of its infectious effect on legal education. With its increased international interaction and cross-fertilisation of ideas, globalised judicial education would allow judges to have greater understanding of international contexts in an increasingly globalising world. The globalisation of judicial education offers three distinct benefits: the enabling of shared methodology for judicial education, judicial skills and improvement to judicial education programs that are in early phases of development. A worldwide organisation could be a catalyst for developing regional and local organisations devoted to judicial education. Cross-fertilisation of ideas and resources from outside can enhance the educators' ability to be effective and secure the expertise for proper evaluation.

Not only can globalisation improve the methodology of existing judicial education systems, but it can also improve the substantive output that judicial education is intended to improve. For example, there are certain issues that continue to arise throughout the world and for which there seem to be fairly unified approaches for resolution. Case management and mediation come to mind as examples. Expanding this principle of dialogue into a worldwide context allows the exciting possibility of learning from other judiciaries around the globe.

Aside from the obvious benefit of forming a worldwide database of ideas, models, and methods used or proposed in courts around the world, globalised judicial education can help provide the financial resources necessary to develop or improve existing judicial education systems. Once the generic nature of judicial education is accepted, awareness of the need for some method of cross-fertilisation of ideas and mutual assistance will emerge. Primarily the need would focus in two areas: what is taught and the best ways to teach. The rule of law and the concept of justice are worldwide and fundamental principles.

Globalising judicial education will be no simple task. If it is to be implemented, there must be some structure or organisation to make it possible. Consideration needs to be given to how and where this structure is to be developed, how it can be financed, how it will function, how it will be directed, who will direct it, how language barriers may be overcome, how it will be evaluated, and how it can facilitate the exchange of models, ideas and methods.

LAW SCHOOLS

The law school rankings are harmful deceptions: a response to those who praise the rankings and suggestions for a better approach to evaluating law schools

D A Thomas

40 *Hous L R*, 2003, pp 419–459

Nothing has had a more profound impact on legal education in the past generation than the phenomenal prominence of law school rankings. Few consider this a positive development, except that it responds to the public's acute need to find more and better information about these important institutions of higher education. Despite criticisms of the rankings being published, they continue unabated, and on occasion a voice is raised in their praise. A renewed effort to depict what is really