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Reimagining the Philosophy of Evaluation, Assistance, and Certification (EAC) Project: The IALS Model Reform in Legal Education

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ARTICLE

REIMAGINING THE PHILOSOPHY OF EVALUATION, ASSISTANCE, AND CERTIFICATION (EAC) PROJECT: THE IALS MODEL REFORM IN LEGAL EDUCATION

S. G. SREEJITH*

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I. INTRODUCTION

The International Association of Law Schools (IALS) introduced the Evaluation, Assistance, and Certification (EAC) Project in November 2017,¹ in pursuance of the mandate of IALS to “contribute to the development and improvement of law schools and conditions of legal education throughout the world[.]”² The purpose of the EAC Project is to enable law schools to raise themselves to international standards in legal education. IALS will enable this through a three-stage process of evaluation, assistance, and certification.³ The EAC Project, in its totality, includes peer visits to schools; conducting reviews of curriculum and pedagogy in light of the schools’ vision and mission; providing inputs for improvement; and certifying schools, if at all, as meeting international standards.⁴ The EAC Project is set to be launched in 2020.⁵

While work on the EAC Project will primarily be accomplished through site-visits, document perusal, interactions, recommendations, and certification, the EAC Project has a far more profound and deeper philosophy and value base than as just an externally-driven process and

1. See *Evaluation, Assistance, and Certification Program*, INT’L ASS’N L. SCHOOLS, <https://www.ialsnet.org/programs/eacproject/> [<https://perma.cc/8XBN-TC6D>] (noting the program was announced in 2017 and “a template for a Self-Assessment Report was introduced” at that year’s Global Deans’ meeting); *IALS News*, INT’L ASS’N L. SCHOOLS, <https://www.ialsnet.org/> [<https://perma.cc/8YWP-C4DK>] (indicating the Project was launched in November of 2017).

2. *International Association of Law Schools: Bylaws*, INT’L ASS’N L. SCHOOLS, <https://www.ialsnet.org/charter-bylaws/> [<https://perma.cc/7GJK-ZPV7>].

3. See *Evaluation, Assistance, and Certification Program*, *supra* note 1 (explaining that the EAC Program’s “purposes are threefold: (1) to evaluate a school’s program of legal education . . . (2) to give the schools information . . . and (3) . . . recognition by certification from a global learned society of law schools”).

4. See *IALS News*, *supra* note 1 (“The Project . . . offer[s] member schools . . . a small international team to visit their school [T]he team will write a confidential report for the school, reviewing its curriculum and pedagogy against the internationally agreed upon standards . . . and will offer advice regarding how the school might . . . meet the international standards.”).

5. See *Evaluation, Assistance, and Certification Program*, *supra* note 1 (explaining the threefold purposes of the EAC Program and how each purpose will be accomplished).

externally-based support system.⁶ The philosophy of the EAC Project is a philosophy of ambition, solidarity, self-becoming, and a pursuit of excellence. This article elucidates that philosophy, exploring the impact it will have on law school performance and on legal education at large.

Part II of this article sets the context by providing a brief introduction to the role of IALS towards achieving excellence in legal education, rationalizing the IALS's initiative of the EAC Project. In Part III, the article explains the *modus operandi* of the EAC Project. Part IV explains the underlying philosophy of the EAC Project, exploring ideas for further advancing it. In Part V, the article proposes a manifesto for IALS to become a medium for achieving higher excellence in legal education.

II. ROLE OF IALS IN LEGAL EDUCATION: SITUATING THE EAC PROJECT

IALS, established in 2005, is a follow-up to the “Conference on Educating Lawyers for Transnational Challenges” held in Hawaii in 2004—the Conference itself was the culmination of a specific series of conferences on legal education.⁷ Earlier in 2001, Carl C. Monk and Harry G. Prince of the American Association of Law Schools (AALS) proposed the idea of an international association of law schools to facilitate dialogue among faculty throughout the world.⁸ They envisioned an AALS model association at the international level with a similar aim to “advance excellence in legal education by promoting core values of excellence . . . including diversity of backgrounds and viewpoints[.]”⁹ Three years later, when IALS was founded, it committed itself to fostering the same set of values and similar goals for law schools of the world—the primary mission of IALS being to

6. See generally *Evaluation, Assistance, and Certification Program*, *supra* note 1 (describing how volunteers from “different regions of the world” will visit schools and make assessments of the school to potentially learn from and recommend changes to curriculum of the schools and eventually lead them to “gaining recognition by certification from a global learned society of law schools”).

7. David S. Clark, *Legal Education*, in *COMPARATIVE LAW AND SOCIETY* 328, 347 (David S. Clark ed., 2012).

8. See Carl C. Monk & Harry G. Prince, *How Can an Association of Law Schools Promote Quality Legal Education?*, 51 J. LEGAL EDUC. 382, 388 (2001) (“At this conference all of us should consider whether new programs and structures, such as an ‘International Association of Law Schools’ or an ‘International Association of Associations of Law Schools’ could help improve opportunities for dialogue among faculty throughout the world.”).

9. *Bylaws*, ASS'N AM. L. SCHOOLS, <https://www.aals.org/about/handbook/bylaws/> [<https://perma.cc/FZS2-7GQL>]; see Monk & Prince, *supra* note 8, at 387–88 (“A major purpose of this conference is to explore how the AALS can serve as a catalyst for making law teaching a more globally cooperative enterprise.”).

raise the standards of legal education throughout the world.¹⁰ This was accompanied by a strong commitment to values like appreciation of diversity,¹¹ respect for the rule of law,¹² openness to ideas and criticism,¹³ and a modernist spirit.¹⁴

IALS defines its mandate as mindful of its “transnational” character. This is evident in Article 2.1(e) of the IALS Bylaws which states that the Association aims to “contribute to the better preparation of lawyers as they increasingly engage in transnational or global legal practice[.]”¹⁵ However, such an openness to the globalization of legal education is not an uncritical acceptance of discourse elsewhere (an imitation, so to speak); rather, IALS by its focus on the *transnational*, creates space for local voices and imagination, providing a dialectic between the global and the local, between imitation and imagination.¹⁶ As part of this ambition, IALS has set for itself the action plan of promoting knowledge of “diverse legal systems and cultures” and “[s]timulating intercultural and interdisciplinary research regarding law and legal education, law schools, curriculum and pedagogy[.]”¹⁷

In furtherance of the creation of the said dialectic framework, IALS provides for annual African, Americas, Asia-Pacific, and European Regional

10. See *International Association of Law Schools: Bylaws*, *supra* note 2 (“The mission of the Association is . . . [t]o contribute to the development and improvement of law schools and conditions of legal education throughout the world . . .”).

11. See *id.* (referencing Article 2.1(a) of the Bylaws which state that part of IALS’s mission is to foster understanding and respect for the various cultures and legal systems of the world so to contribute to justice and peace in the world).

12. See *id.* (referencing Article 2.1(b) of the Bylaws which state that part of IALS’s mission is “[t]o enhance and strengthen the role of law in the development of societies through legal education”).

13. See *id.* (referencing Article 2.1(c) and (f) of the Bylaws which respectively state that part of IALS’s mission is to openly discuss experiences, practices, and diverse ideas regarding legal education).

14. See *id.* (referencing Article 2.1(e) of the Bylaws which state that part of IALS’s mission is “[t]o contribute to the better preparation of lawyers as they increasingly engage in transnational or global legal practice, and when they pursue careers other than private practice, including governmental, non-governmental, academic, and corporate careers”).

15. *Id.*

16. See Diane Penneys Edelman, *Educating and Qualifying Transnational Lawyers: A U.S. Perspective*, 46 INT’L L. 635, 638 (2012) (encouraging education of transnational lawyers through the efforts of both national and transnational entities). On the possible resistance to the overwhelming globalization of legal education, see Simon Chesterman, *The Evolution of Legal Education: Internationalization, Transnationalization, Globalization*, 10 GERMAN L.J. 877, 885–87 (2009) (explaining two critiques of globalization of legal education by arguing that globalized legal education is 1) reserved for the few privileged who go to exclusive law institutions and 2) is actually an evolution of law institutions outside of the U.S. as they turn toward a more Americanized style of legal education).

17. *International Association of Law Schools: Bylaws*, *supra* note 2.

Law Dean's Fora.¹⁸ The themes of the annual Regional Fora complement that of the Global Forum such that the documented outcomes of all Regional Fora become points of deliberation for the annual Global Law Deans' Forum.¹⁹ The latter's transnational character—that is, its role of facilitating the reciprocal influence of global and regional perspectives—helps integrate regional perspectives into a transnational perspective on legal education.²⁰ This integration is crucial to the philosophy of the Global Law Deans' Forum; in the Forum, “law school leaders from around the world meet to exchange ideas in regards to the region they teach. With these efforts, [IALS has been] able to define goals and strategies for global legal education informed by the mission and experiences of all [its] members.”²¹ In the words of Francis SL Wang, the current President and Chairman of IALS, the said integration is also a “learning from each other” through continuing dialogues about the possibilities of improving legal education globally.²²

Setting benchmarks for meaningful dialogue and aiming to create a public space for achieving specific educational outcomes, the Global Law Deans' Forum held in Singapore in 2013 adopted the “Singapore Declaration on Global Standards and Outcomes of Legal Education” (Singapore Declaration).²³ The Preamble of the Declaration puts forth the benchmarking ambitions of IALS: these “principles outline global standards and outcomes of a legal education,” aiming to “establish a baseline and a common language for future efforts to improve legal education.”²⁴ Such

18. See, e.g., *2020 Regional Law Deans' Fora*, INT'L ASS'N L. SCHOOLS, <https://www.ialsnet.org/2020-regional-law-deans-fora/> [<https://perma.cc/LU28-LDSG>] (providing a list of the Regional Law Deans' Fora offered in 2020).

19. See *2019 Global Law Deans' Forum*, INT'L ASS'N L. SCHOOLS, <https://www.ialsnet.org/globalawdeansforums/2019-global-law-deans-forum/> [<https://perma.cc/NDC8-W5GV>] (stating the theme for the 2019 Global Law Deans' Forum was “a continuation of the [discussions] from the 2019 Regional Law Deans' Fora”).

20. See *id.* (indicating the Global Law Deans' Forum serves to further discussions brought up in Regional Law Deans' Fora and focus these regional perspectives on developing a global approach to legal education).

21. *IALS News*, *supra* note 1.

22. *IALS Board of Governors*, INT'L ASS'N L. SCHOOLS, <https://www.ialsnet.org/board/> [<https://perma.cc/6QRR-ZZWB>].

23. See *Singapore Declaration on Global Standards and Outcomes of a Legal Education*, INT'L ASS'N L. SCHOOLS 1, 4 (Sept. 26, 2013), <https://www.ialsnet.org/wp-content/uploads/2015/10/Singapore-Declaration-2013.pdf> [<https://perma.cc/9E23-QLH2>] (“These principles establish a baseline and a common language for future efforts to improve legal education.”).

24. *Id.*

an exercise was undertaken mindful of the “rapidly changing face of legal education in the midst of evolving domestic and international norms.”²⁵ While the Singapore Declaration seeks to set global standards for legal education, it also recognizes the importance of the local which, in fact, is the context in which global standards are actualized.

The Singapore Declaration is proof of IALS’s commitment to raising the standards of global legal education. It also evinces the Association’s intent to create a framework for realizing the aspirations laid down in the Declaration. At the time of the adoption of the Declaration, it was agreed that the best way to begin the journey towards realizing the Association’s larger goals was to get to know where the law schools stand in terms of imparting legal education. Accordingly, the Association adopted the “Madrid Protocol on the Principles of Evaluation of Legal Education” (Madrid Protocol) during the Global Law Deans’ Forum that met in Madrid in 2015.²⁶ The Protocol laid down a set of standards for the evaluation of law schools. However, the Protocol did not provide for a framework for such an evaluation. Therefore, the Forum formulated guidelines for evaluating of law schools by creating the Emeritus Deans’ Council mandated “to develop guidelines for the evaluation of education provided by law schools around the world, in order to foster the kind of continuous learning processes that guarantee that education is as relevant as possible, and of the highest quality.”²⁷

A blueprint for the evaluation of the law schools was prepared in the Global Law Deans’ Forum held at Pune in 2017.²⁸ The Forum broadened the scope of the EAC Project by adding “assessment” and “certification” in addition to evaluation, thereby constituting the project.²⁹ The Pune Forum also captured the spirit of the EAC Project:

25. Shashikala Gurpur & Rupal Rautdesai, *Revisiting Legal Education for Human Development: Best Practices in South Asia*, 157 *PROCEDIA - SOC. & BEHAV. SCI.* 254, 263 (2014).

26. *See Over 100 Deans of International Law Schools Meet at IE Law School*, IE BUS. SCH. (Oct. 26, 2015), <https://www.ie.edu/business-school/news-and-events/whats-going-on/100-deans-international-law-schools-meet-ie-law-school/> [<https://perma.cc/A4D5-G59Y>] (“The meeting will also include the approval of the Madrid Protocol on the Principles of Evaluation of Legal Education, currently being developed by Singapore Declaration on Global Standards and Outcomes of a Legal Education.”).

27. *See id.* (formulating guidelines for evaluating law schools).

28. *See* INT’L ASS’N OF LAW SCH., 2017 ANNUAL MEETING 23 (2017), <http://ials.symlaw.ac.in/pdf/Agenda-Annual-Meeting.pdf> [<https://perma.cc/7XLA-YKDP>] (providing standards for the evaluative process of higher legal education).

29. *See id.* at 26 (“The IALS Board of Governors is launching an international certification program for law schools and law programs.”).

The purpose of the EAC Program is not to impose another set of regulatory rules upon the legal education community. We have too many already. Rather, it is the response of the global legal education community to determine for itself what really matters to us professionally with respect to our obligation to teach the next generation the concepts and values embodied in the rule of law. Our work is to help formulate and articulate our views as law teachers as to our responsibilities, and to improve what we do from our own perspective by learning from each other.³⁰

The EAC Project, however, is not to be mistaken for yet another evaluation system leading to ranking of law schools, though its name may engender such impressions. Generally, university and school ranking systems are quality indicators for the public aspiring to be partakers and beneficiaries of the university or school system. Further, rankings aim to create a free-market of competitiveness among universities and schools—and as much as in a free-market, rankings create an ecosystem of transparency and accountability among the schools.³¹ In contrast, the EAC Project evaluates law schools using pretty much the same criteria as ranking agencies. Unlike ranking agencies, however, the EAC Project does not relay the assessments as quality indicators to the public. The idea herein is not to create a climate of competitiveness but to set higher aspirations for law schools and help them accomplish such aspirations through assistance. In that scheme of things, the EAC Project fits squarely within the broader mandate of IALS to contribute to the improvement of law schools and excellence in legal education.

III. THE EAC PROJECT: THE BLUEPRINT

As mentioned earlier, the foundations of the EAC Project were laid down in the Singapore Declaration. While the Declaration did not aim to create an evaluation *per se*, it set standards for every law school aspiring for excellence. These standards would become the primary criteria for the evaluation of law schools. The Law Deans' Forum at Pune further dictated that while the Singapore Declaration will remain the foundation of the EAC

30. *Id.*

31. See *Rankings and Accountability in Higher Education: Uses and Misuses*, UNESCO, <https://unesdoc.unesco.org/ark:/48223/pf0000220789> (last visited Apr. 20, 2020) (“[Ranking] provides a comprehensive overview of current thinking on the subject, and sets out alternative approaches and complementary tools for a new era of transparent and informed use of higher education ranking tables.”).

Project, the evaluation “will be conducted pursuant to the guidelines of Madrid Protocol of 2015, and be informed by the Judicial Standards adopted in 2017.”³²

The EAC Project is open for any law school that wishes to be evaluated by IALS. The evaluation will be carried out by the IALS Evaluation, Assessment, and Certification Committee (EACC). The desiring school should submit a Self-Assessment Report to the EACC, which should be prepared per the guidelines provided by IALS in the “Preparing a Self-Assessment Report for External Review” and in the “Self-Assessment Report Template.”³³

A. *The Self-Assessment Report*

1. Socio-Cultural Context

The Self-Assessment Report should provide information pertaining to the legal system in which the school is based and the cultural, professional, and regulatory context in which it functions.³⁴ This helps the EACC situate the law school in the context of a heterogeneous law school population. Such a contextualization is in the spirit of the Singapore Declaration, which demands respect for local criteria in student admissions,³⁵ recruitment of faculty,³⁶ and curriculum designing.³⁷ Per Clause 1(C) of the Self-Assessment Report Template, the law school should also identify its “mission, goals and objectives that the program of legal education is designed to achieve” and submit details on those achievements as a separate heading.³⁸ The assessor will review the mission and the outcomes it achieves in the light of the “Outcomes of Legal Education” of the Singapore

32. INT'L ASS'N OF LAW SCH., *supra* note 28, at 26.

33. INT'L ASS'N OF LAW SCH., PREPARING A SELF-ASSESSMENT REPORT FOR EXTERNAL REVIEW (Aug. 28, 2017), <https://www.ialsnet.org/wp-content/uploads/2019/02/IALS-Self-Assessment-Template-8.28.17-version.pdf> [<https://perma.cc/F54J-GQY6>].

34. *Id.* (“That context will aid the reviewers in making assessments and recommendations that reflect the actual challenges and opportunities of individual schools.”).

35. *Singapore Declaration*, *supra* note 23, at 1 (stating in clause (2)(A) 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.”).

36. *See id.* at 2 (recognizing in clause (3) that “local standards, needs and resources guide the recruitment, evaluation, advancement and retention of law faculty.”).

37. *See id.* at 3 (stating in clause (4) that law school curriculum should be based on local needs and resources).

38. INT'L ASS'N OF LAW SCH., *supra* note 33.

Declaration. Such an assessment will include questions like: 1) whether the form, formation, and substance of law taught is contextually relevant?;³⁹ 2) whether the skills imparted serve the context in which knowledge of the law has to be applied?;⁴⁰ and 3) whether the school helps students internalize the application of the rule of law in the region?⁴¹ The importance of assessing the educational outcomes in light of the school's mission is in furtherance of the standards of evaluative process set in the Madrid Protocol, which set out any evaluative process must be "jurisdictionally and institutionally specific[.]"⁴² Furthermore, in assessing the standards of legal education, the assessors will also be mindful of the "Judicial Standards of a Legal Education" (Judicial Standards) adopted by the Judicial Council of IALS in 2017.⁴³ This is particularly for the reason that the Judicial Standards emphasize the need for legal educators to "encourage the interaction between judiciary and the legal academy so each can learn from each other."⁴⁴ In evaluating the curriculum and pedagogy of the law school, the evaluators will examine the extent to which law is taught as a discursive means for achieving social and professional excellence.⁴⁵

2. Faculty

The Self-Assessment Report should provide details of the faculty, e.g., the "size and composition of the law school faculty, including what portion of the faculty is full-time and what portion is part-time."⁴⁶ It should also include the reason for a given composition.⁴⁷ The said classification between full-time and part-time faculty is important especially given that

39. See *Singapore Declaration*, *supra* note 23, at 4 ("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).").

40. See *id.* at 4.

41. *Id.*

42. *Madrid Protocol on the Principles of Evaluation of Legal Education*, INT'L ASS'N L. SCHOOLS, <https://www.ialsnet.org/wp-content/uploads/2016/05/Madrid-Protocol-Final.pdf> [https://perma.cc/H6MR-YLDS].

43. *Judicial Standards of a Legal Education*, INT'L ASS'N L. SCHOOLS (Oct. 28, 2017), <https://www.ialsnet.org/wp-content/uploads/2017/12/Judicial-Standards-of-a-Legal-Education.pdf> [https://perma.cc/UYL2-NBWV].

44. *Id.*

45. *Id.*

46. INT'L ASS'N OF LAW SCH., *supra* note 33.

47. *Id.*

there is a variation in terms of the roles and engagement of full-time and part-time faculty, which includes level of commitment, contribution to institution building, research output, knowledge production, skill-based teaching, and professionally-oriented teaching.⁴⁸ AALS also recognizes such a classification for teaching as providing a “reasonably broad curriculum” to students.⁴⁹ The assessment of faculty composition will be done against the Singapore Declaration, which requires that the “local standards, needs and resources guide the recruitment, evaluation, advancement and retention of law faculty.”⁵⁰ However, focus on local standards, if any by the school, should not be uninformed by domestic and international norms.⁵¹ Such standards should also be “objective, transparent, verifiable, [and] consistently applied.”⁵²

3. Student Composition

The most important constituent of a law school is its student body. It is primarily through it that academic excellence is achieved. Therefore, the school under assessment is expected to provide information on the criteria employed for the intake of students. This includes details like “admission policies and processes indicating what controls and standards for admission exist or whether there essentially is open admission.”⁵³ Schools also have to provide details like “the general composition of the law school student body in terms of age and what percentages of the student body are primarily local, regional, or international.”⁵⁴ Both the above said points are correlated in a way that admissions policies certainly determine the composition of the student body. However, merely having a diverse student body—local, regional, and international—is not the idea of the said focus of IALS. It instead points to a sociological dimension to the admission process, as Howard S. Erlanger puts it:

[A] broad range of social and personal characteristics are highly correlated with academic achievement and the other criteria used to measure excellence.

48. See Mary Kay Kane, *The Requirement of Full-Time Faculty in American Legal Education: Responsibilities and Expectations*, 51 J. LEGAL EDUC. 372, 373 (2001) (describing “general responsibilities” of full-time faculty).

49. *International Association of Law Schools: Bylaws*, *supra* note 9.

50. *Singapore Declaration*, *supra* note 23.

51. See *id.* cl. 3(v) (referencing “evolving” norms as a factor for consideration).

52. *Id.* cl. 3(1)–(iv).

53. INT'L ASS'N OF LAW SCH., *supra* note 33, cl. 1(F)(1).

54. *Id.*

As a result, in selecting what are understood to be the best students, the admissions process is also—sometimes directly and purposefully, sometimes indirectly and unknowingly—playing a major role in determining such matters as the social class origins and ethnic composition of the bar and perhaps also the types of nonlegal skills lawyers will have.⁵⁵

The scope for such a preconceived understanding of a “needed diversity” in admission policies and processes is what the EACC will be looking for—obviously motivated by the Singapore Declaration that “admission standards should be based on established local criteria taking into consideration the jurisdiction’s public policy.”⁵⁶

4. Mentoring

Another qualitative criterion of excellence is the nature of academic support that the law schools provide to their students.⁵⁷ Mentoring of students through projects like faculty-mentoring and peer-tutorship are signs of the institution’s commitment to student learning. It also helps ensure student-well-being and integration, infusing trust among the students about the institution.⁵⁸ This element of mentoring is aptly conceptualized by D.F. Zellers, V.M. Howard, and M.A. Barcic as “a reciprocal learning relationship characterized by trust, respect, and commitment in which a mentor supports the professional and personal development of [the mentee].”⁵⁹ As part of assessing the said commitments of the institution, EACC will be seeking information on the components of the [mentoring] program, the type of support, and the way institutions evaluate the outcomes of the program.⁶⁰

55. Howard S. Erlanger, *Toward a Sociology of Law School Admissions*, 34 J. LEGAL EDUC. 374, 374 (1984).

56. *Singapore Declaration*, *supra* note 23, cl. 2(A).

57. INT’L ASS’N OF LAW SCH., *supra* note 33, cl. 1(F)(2).

58. *See generally* Jos C. Moust & Henk G. Schmidt, *Effects of Staff and Student Tutors on Student Achievement*, 28 HIGHER EDUC. 471, 472 (1994) (explaining the benefits of tutoring in higher education).

59. Darlene F. Zellers et al., *Faculty Mentoring Programs: Reenvisioning Rather Than Reimventing the Wheel*, 78 REV. EDUC. RES. 552, 555 (2008).

60. INT’L ASS’N OF LAW SCH., *supra* note 33, cl. 1(F)(2).

5. Career Choices

The Self-Assessment Report seeks information on the post-education career choices of students. The Self-Assessment Template requires law schools to:

Indicate the percentage of graduates who seek to enter the legal profession after graduation, whether in the government or private sector, and the percentage of those who use their degree for other purposes. Of those entering the legal profession, report on their legal employment, including the number and types of jobs in which they are employed, as well as the number of graduates not employed or not seeking employment. Include data only from the last three years.⁶¹

This criterion of assessment becomes extremely important if we look at the fact that globalization has created a diversity of roles in social governance for the graduates of law. The “civil society,” the main site of social governance—a recurring theme in Judicial Standards—in all its plurality and heterogeneity needs legal education to create plural imaginations apropos of the social roles for lawyers. Further, the increasing “mobility in the marketplace has affected the definition of roles and has broadened the parameters of [legal] skills.”⁶² The extent to which a law school has been able to help students internalize this diversity of opportunities and make students choose careers accordingly, helps the school qualify the test of being-globally-relevant. The Singapore Declaration endorses this point that one of the outcomes of legal education should be to make law graduates understand the “contextual underpinnings of the operation of law,” both domestically and globally.⁶³ Law schools, indeed, play a significant qualitative role in the career choices of students.

6. Teaching-Learning

It is primarily through the process of teaching-learning that students “obtain the knowledge, skills, and values” of law.⁶⁴ The said process is often reflected in the curriculum and the pedagogy, including student assessment and evaluation. In the first place, under this category, law

61. *Id.* cl. 1(F)(3).

62. Abbie Willard Thorner, *Legal Education in the Recruitment Marketplace: Decades of Change*, 1987 DUKE L. J. 276, 290 (1987).

63. *Singapore Declaration*, *supra* note 23, at Outcomes A(iii).

64. INT'L ASS'N OF LAW SCH., *supra* note 33, cl. II.

schools are required to provide information on the duration of programs, course structure, and hours of instruction, and above all, the philosophy behind such an organization. Devoid of such a philosophy, academic planning will become, what J.F. Santee calls, a “ritualization of . . . academic procedures.”⁶⁵ The philosophy behind a given program design should be, first and foremost, the pursuit of excellence, which includes, as the Singapore Declaration lays down, teaching students knowledge of substantive and procedural law, ability to customize legal knowledge based on jurisdictional applications and ethics, and the imagination to develop perceptions about justice and the rule of law.⁶⁶ In sum, an ideal program is that which is temporally-relevant, value-rich, but also leaves the foundations for imagination in spaces of free-thinking.

The curriculum is the kernel of any program such that curricular quality decides program outcomes. An ideal curriculum in law is one that is propaedeutic—both in terms of substantive and procedural law—as well as one that helps students discover the imaginative possibilities of the discipline. Disciplinary knowledge organized in the curriculum is actualized through effective pedagogy. On balance, when the philosophy of the program meets with curricular design and the pedagogy employed, only then “curricular equity” is achieved.⁶⁷ Mindful that curricular equity is the sign of excellence, IALS requires law schools to provide details of the course curricula, “explaining how the school provides instruction in the substantive law generally regarded as necessary to effective and responsible participation in the legal profession and consistent with its identified mission.”⁶⁸

Alongside curriculum, pedagogy remains integral to the evaluation scheme of EACC. Law schools are expected to provide information on what the school does for making the faculty reflect on pedagogy and to make teaching effective.⁶⁹ What is the rationale for the choice of a given pedagogy?⁷⁰ What is the appropriateness of a certain pedagogy to a given

65. J.F. Santee, *On a Philosophy of the Curriculum*, 32 PHI DELTA KAPPAN 387, 387 (1951).

66. *Singapore Declaration*, *supra* note 23, at Outcomes.

67. Taya L. Owens & Jason E. Lane, *Cross-Border Higher Education: Global and Local Tensions within Competition and Economic Development*, 168 NEW DIRECTIONS FOR HIGHER EDUC. 69, 74 (Laura M. Portnoi & Sylvia S. Bagley eds., 2014). I have borrowed this expression from an idea that Taya L. Owens and Jason E. Lane employ to capture a balancing out of the tension between global and local knowledge in curricula.

68. INT'L ASS'N OF LAW SCH., *supra* note 33, cl. II(E).

69. *Id.* cl. II(F).

70. *Id.*

subject?⁷¹ The Judicial Standards of IALS is a guide on this point to the law schools: legal education should be such that it provides students at all levels sufficient opportunities for learning original and critical thinking, and “[k]nowledge, sensitivity, and application of moral and ethical values inherent in the rule of law.”⁷² Mindful of the aspirations of the Singapore Declaration and the commitment to diversity of the Madrid Protocol, an ideal pedagogy should not be a discourse on the dominance; rather it should be, as Paulo Freire envisages, an engagement with the “preoccupations, doubts, hopes, and fears” of the governed and the local.⁷³ The approach to pedagogy should be such that it creates avenues for conversation, dialogue, and dissent—it should be a Tolstoian “practical philosophy of pedagogy.”⁷⁴ By requiring the inclusion of professional skills instruction, and writing and research skills as part of an ideal curriculum, IALS has not only embraced but also advanced the said practical philosophy of pedagogy.⁷⁵

7. Administration

The role of law school administration in the promotion and excellence of legal education is in no terms less significant as teaching-learning. A well-organized administrative structure is not just a sign of order and coherence, but it also indicates the presence of robust decision-making within the law school. For that reason, the Self-Assessment Report requires details on the administrative organization of the law school.⁷⁶ It also requires information on “the relationship of law school to the university administration.”⁷⁷ The reason for this is because the dean represents the law school administration, and the dean gets authority through a legitimacy matrix with roots in statutes—from the Act establishing the university to the first ordinance to the bylaws.

Often the dean of the law school is the administrative authority who ensures that the law school reaches its maximum advancement. According to John A. Miller, “[t]he best dean in the future, as in the past, will possess

71. *Id.*

72. *Judicial Standards of a Legal Education*, *supra* note 43, § 3(a)–(d).

73. PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* 96 (1970).

74. Ilya Vinitsky, *Tolstoy's Lessons: Pedagogy as Salvation*, in *BEFORE THEY WERE TITANS: ESSAYS ON THE EARLY WORK OF DOSTOEVSKY AND TOLSTOY* 299, 301 (Elizabeth Cheresh Allen ed., 2015).

75. INT'L ASS'N OF LAW SCH., *supra* note 33.

76. *Id.*

77. *Id.*

a vision that embodies long-standing principles and ideals. But her vision must be well informed. Though aspirational, it must be based on reality.”⁷⁸ The standards set by the Singapore Declaration on law school governance and regulations are similarly high. It should be—as per the Declaration—objective, transparent, verifiable, consistently applied, and informed by the reality of domestic and international norms.

Finally, curriculum revision is a matter of the law school administration, and to be precise, it’s on the dean of the law school to conduct curriculum reappraisal, timely and unendingly.⁷⁹ This responsibility shall not be ritualized to satisfy standard-setting bodies and meet quality assurance metrics. rather it should come from a sense of essentiality that is motivated by situational awareness. The Hamburg Declaration on “Rebuilding the University-Society Relationships” reiterates this point writ large: “We should develop and maintain updated maps of our ever-changing societal environment. To properly respond to these changes, we should rethink and reset their study and research programmes.”⁸⁰ Recognizing the said importance of a dynamic curriculum, the IALS requires law schools to:

Describe the process for establishing and reviewing the curriculum. Include who is responsible for setting the curriculum, approving courses, and determining which courses are required and which are elective. [To] indicate if there is a regular process for curriculum review and, if so, when the last review occurred and what were the results.⁸¹

It is also on the law dean to decide the courses to be taught in the law school, which include courses required by the relevant regulatory body as well as elective courses. Making such decisions requires both an intellectual and administrative viewpoint and setting a balance between them. A pure intellectual viewpoint, at its worst, would have the dean pursuing a subjective course, often passing off one’s own intellectual convictions as policy. A pure administrative viewpoint would have the dean prioritizing administrative convenience over academic innovation. Therefore, it is important for the law dean to have a balanced approach to choosing courses

78. John A. Miller, *The Modern Law Dean*, 50 J. LEGAL EDUC. 398, 403 (2000).

79. Leslie W. Abramson & George W. Moss, *Law School Deans: A Self-Portrait*, 29 J. LEGAL EDUC. 6, 7 (1977).

80. *The Hamburg Declaration: “Rebuilding the University–Society Relationships”*, Global U. Leaders Council Hamburg (June 7, 2019), <https://www.guc-hamburg.de/press/declaration-rebuilding-university.pdf> [https://perma.cc/KVL2-KQG3].

81. INT’L ASS’N OF LAW SCH., *supra* note 33.

by recognizing epistemic trends (the intellectual viewpoint) and the grids of educational policy and practice (the administrative viewpoint).

This balanced approach is the hallmark of an efficient law school administration, and the IALS expects the law schools to provide information on the decision-making process “[for] approving courses, and determining which courses are required and which are elective.”⁸²

B. *Review of the Report, Site Visits, and Further Steps in the Project*

Once the school desiring assessment submits its report, it will be reviewed by the EACC to ensure its completeness. A complete report is an indication that the school is ready for a site visit by the EACC.⁸³ The site visit will be conducted by an EACC team comprising of four or so expert members selected from different regions of the world.⁸⁴ In the Global Law Deans’ Forum held in Pune in 2017, it was decided that:

The site team will be composed of volunteers who will not be paid for their time or expertise. At least during the early years, participating schools will be asked only to comfortably house, feed and provide in-country support for the team. IALS will cover the transportation costs for the team members, and no fees will be charged by IALS for conducting the evaluation and advising process.⁸⁵

The EACC team visiting the site will spend several days in the school under assessment. During the stay, the team will study the school under assessment by meeting key leaders, visiting classes, and meeting faculty and students. The team will ensure that there is a “clear picture of the current operation of the school.”⁸⁶ The site visit will enable the team to verify the Self-Assessment Report with regard to the functioning of the school’s program. The assessment will see the extent to which the operations of the program accomplish the “Outcome of a Legal Education” in the Singapore Declaration.

Over the years, IALS has extensively planned the functioning of EACC such that it appointed four Anchor Schools to define best practices of evaluation and formulate strategies for the EAC Project—the Anchor

82. *Id.*

83. *Evaluation, Assistance, and Certification Program, supra* note 1.

84. *Id.*

85. *Id.*

86. *Id.*

Schools submitted the report to the Global Law Deans' Forum 2017.⁸⁷ IALS has also proposed a workshop for the evaluators in order to finalize “preliminary evaluation criteria and to ensure a uniform understanding of what is entailed and how best to evaluate the material submitted [and] conduct a site visit.”⁸⁸

Based on the review of the Self-Assessment Report and site visit, the EACC will assess the quality and effectiveness of the educational services provided by the school. It will then write a report which will include recommendations for harmonizing the school's practices with the aspirations of IALS reflected through the Singapore Declaration, Madrid Protocol, and Judicial Standards.⁸⁹ This confidential report and the recommendations therein will be submitted to the school, which will be left to decide on the action plan on the report.

IALS has also decided to extend the scope of the EAC Project to “certification” by the year 2020. Realizing there are many pitfalls in the existing systems of rankings and accreditations due to the oversight, and under-weightage of certain relevant and critical criteria of performance by such systems, IALS has come forward to develop criteria for certification that are mutually acceptable to law schools.⁹⁰ However, IALS will venture into certification only after reaching a consensus among the law schools on the methodology to be used.

IV. ADVANCING THE EAC PROJECT: FEW CONSIDERATIONS

The EAC Project is certainly a novel step towards the advancement of legal education; it is in fact far more profound than being a mere program of peer-assessment. The peer participation in the EAC Project is predicated on the idea of sharing of excellence. The approach herein is more spiritualistic, often seen in political theology, that “excellence is intrinsically shareable,” and that view predominates all other hierarchical considerations.⁹¹ The commitment of IALS members for setting common goals and collective aspirations in the pursuit of excellence as laid down in

87. *Id.*

88. *Id.*

89. *Id.*

90. *See id.* (noting the reasons why the IALS drafted its criteria).

91. *See* JOHN MILBANK, THE FUTURE OF LOVE: ESSAYS IN POLITICAL THEOLOGY 248 (2009).

the Singapore Declaration, helps self-cancel any sense of hierarchy and superiority within the EAC Project.⁹²

The approach of the EAC Project is to facilitate the self-becoming of institutions to a shared sense of excellence. In that scheme of things, *Evaluation* is the process meant to identify the failings; thereby providing the institution an alterity, further orienting it towards a dialectic of self-perfecting.⁹³ *Assistance* is a corollary to evaluation. More than it being a handholding, assistance is a sense of collective pursuit of a larger goal—being Part of a Whole.⁹⁴ The realization that specific goals are being collectively pursued under the aegis of IALS gives institutions a feeling of camaraderie and that the assessment being done is not a test of performance but a means for making parts perfect to complete the whole. *Certification*, the third leg of the EAC Project, is an internal “quality assurance” for the schools aided by the IALS rather than classifying them into certain tiers. Certification by IALS is simply a process of recognition that the schools falling under the EAC Project have followed the mutually agreed quality standards laid down in the Singapore Declaration—it is a sign of ambition and preparedness.⁹⁵

On balance, the philosophy of the EAC Project is a collective pursuit of excellence in legal education which is predicated on ambition, solidarity, self-becoming, peer recognition, and pursuit of excellence. While the modalities developed by the EAC Project—through the many Law Deans’ fora—for the implementation of its various legs have a certain appropriateness in terms of the philosophy of the project, they are far from complete. There are many quality indicators that can further augment the quality assessment by IALS—such quality indicators often do not become part of law school rankings. However, the openness of the Singapore Declaration, the commitment to values of the Madrid Protocol, and the inclusive approach of Judicial Standards help the said indicators get situated in the larger scheme of the EAC Project. Below, the article formulates a few such quality indicators and suggests how such indicators can be applied to the policy and practice of law schools.

Before making a case for additional quality indicators, there are particular challenges that the EAC Project needs to overcome if it is to rise up to its

92. See *Evaluation, Assistance, and Certification Program*, *supra* note 1 (acknowledging the need for criteria that best serves the diverse membership of the IALS).

93. See *id.* (providing the reasons why the IALS drafted its criteria).

94. See *id.* (discussing the assistance offered to law schools in the Program).

95. See *id.* (explaining the benefits of the IALS’ certification program).

philosophy. Primary among the challenges is the heterogeneity in the pool of law schools. Certainly, IALS has committed to maintaining “respect for the world’s varied and changing legal systems,” and that commitment of IALS should translate into the EAC Project.⁹⁶

The heterogeneity—the “diversifying factors”—exists at various levels. It exists in terms of the region and geography of the law school (manifesting as the centre-periphery divide), the economic condition of the region and the financial position of the law school (well-off universities in global centers as against start-up schools in semi-urban spaces), nature of the school (a philanthropic initiative against a share-holding venture), types of governance (public and private), ideologies schools subscribe to (schools advocating a socialist mode of production against schools championing global markets), nature of regulations (schools regulated by professional bodies like ABA against schools regulated by party politburos), the historical factor (the age and social standing associated with the historicity of schools), and last but not the least, the existing rankings of schools (tier 1 schools as per QS or THE rankings against a school yet to find a place in rank lists). The list is not exhaustive—each diversifying factor will get diversified on further investigation.

One way to overcome the heterogeneity of the pool of law schools is to maintain general/broader criteria of assessment such that law schools can have their strengths and performances situated within the potential spaces of generality. More specific criteria of assessment will create a pursuit of false objectivity that will lead to exclusionism. While objectivity has its own merit, it does not yield constructive outcomes in the present context. Rather, it prompts the assessor to overlook many underlying factors and prevalent assumptions such that merit of comparative advantage is surpassed by situational advantage.

To further explicate this, take the case of two institutions “*A*” and “*B*.” *A* is a historically renowned university with limited focus on teaching but heavy investment on research and outstanding research output. In fact, university *A* hardly gives any focused attention to teaching. Its focus on research has created an impression that *A* excels in teaching as it does in research. *B* is a young university with a heavy emphasis on teaching through high-quality young faculty. University *B* heavily emphasizes pedagogy and

96. See *International Association of Law Schools: Bylaws*, *supra* note 2 (stating part of IALS’s mission is “[t]o foster mutual understanding of and respect for the world’s varied and changing legal systems and cultures as a contribution to justice and a peaceful world”).

learning. Nevertheless, irrespective of its ambition and striving for excellence in research, it has less output in terms of research, although it is on an upward graph. Both universities *A* and *B* are assessed against the most popular, often custom, criterion of “Teaching and Research.”

Assuming that on a scale of 20 (divided into 10 for teaching and 10 for research), university *A* gets 10/10 for research and 8/10 teaching. The 8/10 of university *A* for teaching is based on what this article calls a “cascading effect,” that is, the prevalent presumption that good research feeds into teaching, bringing excellence to the latter. In the case of university *B*, on a scale of 0 to 10, it will certainly fetch 9/10 for teaching thanks to its striving for excellence in teaching and hard put to it. Its heavy investment in young, mostly early-career, high-quality faculty has also contributed to its efforts. However, in research, due to its quantitatively low output, university *B* gets a score of 5/10. What is noteworthy in this context is that, had there been a cascading effect from teaching to research, the outstanding teaching and the outcome thereof would have fetched university *B* a decent score on a scale of 0 to 10 for research. What has led university *B* to end up ranked lower than university *A* is a predominant myth that research cascades to teaching.

Critiquing the above-stated scenario or going deep into the impact of the cascading effect is not the aim of this article. However, IALS's EAC Project can try to limit the pitfalls of objectivity demonstrated above by creating a generality in the assessment criteria that can encompass the heterogeneity among the law schools. A general criterion of “institutional excellence” as against specific criteria such as “teaching” and “research” will result in many law schools gaining a comparative advantage. In the broadness of comparative advantage, the heterogeneity among the law schools, which may have many of them otherwise fail to benefit, will be replaced by a framework of pluralism that would create an ecosystem of mutual respect, trust, and confidence.

A. *Effective Evaluation Standards*

While the Singapore Declaration sets the standards of evaluation, it has left the space open for IALS to further develop the standards through its deliberative process by the time the EAC Project enters its implementation phase. IALS must also recognize such openness: that is to say, IALS “must take into consideration a variety of factors critical to educators, but underweighted by accreditors, and vastly underweighted by ranking

bodies.”⁹⁷ Since the evaluation under the EAC Project works on a philosophy different from that of other ranking agencies, evaluation criteria should also be based on said philosophy and the broadness necessary for addressing the heterogeneity among the law schools. In that vein, this article proposes the following criteria of evaluation. What is proposed herein can be broadly situated within the present scheme of evaluation or as additional criteria.

Fairness in Decision-making: In the context of institutional decision-making, particularly in higher educational institutions, fairness is a matter of “procedural justice.” Procedural justice will be evidenced through the robustness of policies and their implementation through routine processes and decision-making. According to G.S. Leventhal, the main elements of procedural justice are explanations, honesty, and interpersonally sensitive treatment.⁹⁸ In a law school context, this includes the presence of an effective mechanism or policy to provide students with feedback on their performance; Standard Operating Procedures (SOPs) evincing the practice of providing “speaking orders,” e.g., explanatory decisions on unfair means and disciplinary issues; and practice of treating concerned individuals with dignity and respect evidenced through the minutes of relevant proceedings.

Level of Trust among Relevant Actors: Any claim for institutional excellence cannot sustain unless there is an ecosystem of trust. Trust in a higher educational context is the trust students and faculty have regarding the academic administration. Systems of “high trust” will always have effective accountability mechanisms, transparency in policy and practice, democratic decision-making, openness to feedback, space for dialogue and contestation, commitment to the well-being of students and faculty, and respect for diversity. Acceptability of policies (verifiable through compliance reports) and the routine decisions based on policies (as per the minutes of meetings and proceedings) are signs of trust among the actors. Other proof of systems of high trust are the presence of *agora*, open-houses facilitating dialogue between students and key decision-makers, faculty-faculty and faculty-student conversation series, student councils, and open-door policies.

97. *Evaluation, Assistance, and Certification Program, supra* note 1.

98. Gerald S. Leventhal, *What Should Be Done with Equity Theory? New Approaches to the Study of Fairness in Social Relationships*, in *SOCIAL EXCHANGE: ADVANCES IN THEORY AND RESEARCH* 27, 37 (K.J. Gergen, M.S. Greenberg, & R.H. Willis eds., 1980) (describing and discussing the elements of procedural justice).

Accountability Mechanisms: While the presence of accountability mechanisms is a sign of a robust system of high trust, the sense of accountability in itself advances an institution to higher excellence. Accountability in this vein is more embedded in the practice of the institution. First, responding to questions from beneficiaries and stakeholders: Whether the institution has the culture of giving prompt responses? Whether responses are informative enough for the questioner? Whether there is a tone of assurance and professionalism in such communications? While all these may sound insignificant, in postmodern conditions, being-taken-seriously is a recognition to the individual—recognition of presence and recognition of identity. The second facet of the embedded sense of accountability is the role of policies in engendering a culture of professionalism: Are there policies on class cancellations and rescheduling? Is there a mandatory requirement for class attendance? Do policies require the meeting of deadlines by faculty and students? Do policies recognize the students' right to uninterrupted teaching and learning? Is there a policy on conflict of interest?

The third aspect of accountability mechanisms is the presence of effective means of dispute resolution. In fact, means of dispute resolution are “forums of accountability” that act as a means of ensuring fairness and justness.⁹⁹ In higher educational institutions, such forums include the many grievance redressal forums, inquiry committees, and fact-finding bodies, e.g. the office of proctors, disciplinary committees, the committee against sexual harassment, the unfair means committee, and the academic disciplinary committee.

Well-being and Happiness Index: Studies show that law school is a place where a student may experience “high level of psychological distress, including elevated levels of depression, stress, and anxiety.”¹⁰⁰ Recognizing the magnitude of the problem and its impact on students' learning experience and the legal profession at large, some law schools have responded by establishing offices of student life and well-being, providing counseling centers for students, holding series of orientation programs,

99. For detail on the types and dynamics of forums of accountability, see Lisa Blomgren Amsler & Jessica Sherrod, *Accountability Forums and Dispute System Design*, 40 PUB. PERFORMANCE & MGMT. REV. 1, 17 (2017).

100. Todd David Peterson & Elizabeth Waters Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology*, 9 YALE J. HEALTH POL'Y, L. & ETHICS (2009) 357, 358–59; see also G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 11 AM. B. FOUND. RES. J. 225, 247 (1986).

creating portals for students to receive advice on issues relating to health and well-being, and courses on happy “law schooling” and “happy lawyering.”¹⁰¹ Given the causal connection between happiness and social justice, and given the constitutive role of legal education in achieving social justice, a law school that contemplates a regime of happiness is closest to achieving excellence.¹⁰² Questions for valuation can be: Has the law school been sensitive towards the psychological well-being of students? Have the law school’s Human Resources (HR) policies been committed to ensuring happiness among students, staff, and faculty? Are there schemes or mechanisms that ensure well-being and happiness among students?

B. *Improving Means of Assistance*

The EAC Project has not yet laid down the scope of “assistance” that the project will offer.¹⁰³ However, assistance is a corollary to evaluation. Evaluation and the subsequent recommendations will have an assistive effect on the school under evaluation. As it is laid down by IALS, the purpose of evaluation is to “give the schools information to help them better explain their programs and possible changes to their universities and regulators as viewed against . . . global standards.”¹⁰⁴

So that the philosophy of the EAC Project is actualized in full, assistance extended to schools should be guided by high values, by the deep sentiments of ambition, and by the desire to achieve human and institutional excellence. Such high values, if they become a part of the functioning of the school, will have the school achieving institutional excellence. Therefore, assistance extended by the EACC, be it in the form of a proposal for a scheme or as policy advice to the school, should be predicated on an emphasis on high values.

First, the EACC should help the schools internalize the fact that values are integral to higher education because it is through the value-imparting of higher education that social correctness is achieved. Second, assistance should be extended to the law schools to integrate high values in their curricula. In addition to the value-orientation, law schools should also make

101. See Peterson & Peterson, *supra* note 100, at 363; see also Benjamin et al., *supra* note 100, at 247–50 (alluding to potential causes and remedies for high levels of stress law students experience).

102. See Rachana Kamtekar, *Social Justice and Happiness in the Republic: Plato’s Two Principles*, 22 HIST. POL. THOUGHT 189, 203 (2001).

103. See *Evaluation, Assistance, and Certification Program*, *supra* note 1 (noting that assistance to participating law schools would be offered, but not defining the full scope of the assistance).

104. *Id.*

use of curricular possibilities to relay the idea that law is a means for individual and social empowerment. Students should also understand the constitutive role of the “political economy” and should be taught skills necessary for social production in a political economy.¹⁰⁵ Third, there should be a particular focus by the EACC on the policies and practices of the institution, ensuring that there is a sense of mutual respect (absence of one-sidedness) and trust and a critical and inquisitive spirit. Fourth, the EACC should help law schools understand the role of technology in achieving human excellence by maximizing its use.

To better enable the schools to achieve excellence, the EACC's recommendations in the evaluation report should be supplemented by a set of schemes. In a later stage, IALS should also extend the assistance program to institution-to-institution mentoring, which may include, *inter alia*, providing means of assistance, and overseeing the mentored law school. Noteworthy in this regard is the scheme introduced by the University Grants Commission of India (UGC), *Paramarsh*, meant to mentor non-accredited institutions to enable them to become accredited. According to a UGC notification:

The Scheme will be operationalized through a “Hub & Spoke” (H&S) Model where in the Mentor Institution, called the “hub” is centralized and will have the responsibility of guiding the Mentee institution through the secondary branches, the “spoke” which are the additional services provided to the mentee for self improvement. This allows a centralized control over operational efficiency, resource utilization to attain overall development of the mentee institution.¹⁰⁶

A similar model of mentoring by creating a mentorship will make the assistance scheme of the EAC Project realize its full potential, yielding results on the ground.

105. On the constitutive role of law in a political economy, formulating the latter as the new site of social production, see David Kennedy, *Law and the Political Economy of the World*, 16 LEIDEN J. INT'L L. 7 (2013).

106. UNIV. GRANTS COMM'N., “PARAMARSH:” UGC SCHEME FOR MENTORING NAAC ACCREDITATION ASPIRANT INSTITUTIONS TO PROMOTE QUALITY ASSURANCE IN HIGHER EDUCATION (2019), https://www.ugc.ac.in/pdfnews/7009610_PARAMARSH.pdf [<https://perma.cc/YTM7-2JHP>].

C. *Certification as Peer Recognition*

As in the case of assistance, IALS also does not define the scope of certification. The EAC Project states that, after “developing a robust system and experience in contextualizing [the] evaluation and advising to ensure that the criteria and processes are appropriate for [the] diverse membership [of IALS] . . . the [certification] program will develop a proposal for membership input for certification.”¹⁰⁷ In practice, that means that upon completion of evaluation and assistance, and upon the law school in question implementing the recommendations of the EACC, the law school can be certified by IALS or “a global learned society of law schools.”¹⁰⁸

While certification is a signification in general, particularly in the context of higher education, it is an assurance of quality, for example through quality indicators such as Rated A+, Top 10, Top 10 Upcoming Law School, or Top 10 Domain Specific School. Certification by IALS is also a quality assurance of its own kind, as the EAC Project states that it aims “to avoid the pitfalls of existing ‘ranking’ and ‘accreditation’ systems which hold all to one inflexible standard”¹⁰⁹ The scope of the standards of IALS is provided above.

In general parlance, certification by associations is “the major, formal way in which these associations attempt to identify and acknowledge an agreed-upon level of excellence in professional education.”¹¹⁰ The IALS partly deviates from this. The IALS’ certification relays the message that there has been a collective peer effort by law schools under the aegis of IALS that has resulted in a school being certified as qualified-for-excellence. It is also an indication to ranking agencies that the law school is ready to be ranked. Then again, such a certification need not be seen as a sign of excellence, as is the case with the certification by conventional rankings and accreditation agencies, nor is it near to the tier-based classifying of schools; rather such certification is a sign of the ambition for excellence and preparedness on the part of a law school.

107. *Evaluation, Assistance, and Certification Program*, *supra* note 1.

108. *Id.*

109. *Id.*

110. Elinor Yungmeyer, *The Role of Professional Associations in Achieving Excellence*, 23 J. EDUC. FOR LIBRARIANSHIP 264, 264 (1983).

V. EXCELLENCE IN HIGHER EDUCATION THROUGH IALS: A MANIFESTO

1. “Excellence” is the sublimity of human existence—philosophically speaking, it is a state of being in the totality-of-beings. The abject otherness of this holism is the confinement of particularity. “Higher Education” (HE) is the opportunity to transcend the particularity of self-centeredness to the universality of altruism. In more mundane terms, HE is the universal worldview of oneness, of being-in-the-other and being-for-the other.
2. Committed to such a philosophy of HE, IALS promotes a sense of community and camaraderie—it has a desire to transcend the narrowness of singularity to the openness of pluralities. The affirmation of IALS that it aims “[t]o foster a mutual understanding of and respect for the world’s varied and changing legal systems and cultures as a contribution to justice and a peaceful world” is nothing less than a progressive advancement towards pluralism—a recognition of diversities and respect for differentiations.¹¹¹
3. The altruistic sense of “we-ness” is the starting point for IALS. In that broad-based framework, IALS creates opportunity for dialogue and debate, sharing of experiences and practices, and preparation for facing global challenges. IALS recognizes the distinctiveness of each voice, each background, and each framework. It has unwavering faith in the constitutive and transformative potential of law. It holds legal education as the means to create societies of the highest order, as IALS Judicial Council recognizes: “Without a strong commitment to educate citizens as well as practitioners in the law, a civil society cannot flourish.”¹¹²
4. In this grand scheme of creating the highest social and legal order, legal education shall not be under regimes of mediocrity and imitation. For helping law schools not to yield to the dreadful tug of mediocrity, IALS sets the highest standards of excellence and performance in legal education. However, implementation of such standards shall not be through the commonplace commitments conventionally administered as rituals of governance but shall be

111. *Our Mission*, INT’L ASS’N L. SCHOOLS (2018), <https://www.ialsnet.org/mission/> (last visited April 30, 2020).

112. *Judicial Standards of a Legal Education*, *supra* note 43, at 1.

driven by the ambition for human excellence. The standards of IALS, therefore, shall come from the ministry of principles (the Rule of Law), drawn on the high values of ethics, fairness, decency, integrity, and honesty.

5. IALS has unwavering faith in the potential of law schools. It believes that law schools will have a comparative advantage if their competency is measured in a framework of pluralism. In the spirit of diversity and pluralism, IALS prioritizes local narratives over dominant images, hence, it routinely heeds the experiences of its members.¹¹³ The standards of excellence that are set shall be mindful of the experiences of the member law schools. Such standards shall also be achieved through improving the experience rather than disproving local conditions (including regulations) and practices in the name of reform.
6. IALS's approach to partakers shall be all-inclusive rather than selective, and quite appropriately, it includes the Judicial Council in its organizational framework that contributes to legal education by setting judicial standards of legal education. The inputs of the Judicial Council effectively inculcates in legal education the principles necessary for an "effective, ethical, and responsible judicial system."¹¹⁴ As the involvement of the judiciary (which stands for the Bar and the Bench), IALS should also involve policymakers and representatives of governments and regulatory bodies, which play a key role in setting the frameworks in which law schools function. By creating spaces of conversation between law deans and regulators, IALS shall fill up the gap between law schools and regulatory bodies, engendering empathy toward each other and understanding possibilities and reasons for mutual adjustments, if needed.
7. In addition to its macro-approach to legal education—reforming and advancing it—IALS also approaches law epistemologically. As Michael A. Maggiotto puts it, when "[c]onscientious professionals, sharing a common disciplinary identity . . . come together in mutual respect to compare ideas and grapple with common problems of scarcity and responsiveness[, it] bestow[s] a commitment on their

113. *Madrid Protocol on the Principles of Evaluation of Legal Education*, *supra* note 42.

114. *Judicial Standards of a Legal Education*, *supra* note 43, at 1.

enterprise.”¹¹⁵ It is in this vein that the Doctrinal Study Groups (DSG) function in IALS. DSGs, divided into various branches of law, routinely deliberate on the form, substance, and matters allied to law. The DSGs facilitate free-flowing conversations on pedagogy, curricula, in-class assessments, and out-of-class evaluations, relevance of course contents, mode of examinations, class policies, and the scope of safe-space classrooms. All these discussions happen free from any academic protocols typical to scholarly congregations. IALS, quite appropriately, realizes that only when a law is in robust form and substance can progress be achieved in legal education. In upholding IALS's philosophy, articulated through the Singapore Declaration, the Madrid Protocol, and the Judicial Standards, the DSG Chairs shall be receptive to diverse perspectives by being empathetic to intellectual differentiations. DSG Chairs shall also be conscious that in global times, with many considerations hitherto unknown to legal imagination entering legal discourse, “the unified discourse of law” has fallen apart into various intellectual provinces.¹¹⁶ Only then can IALS establish the “common language,” as envisaged in the Singapore Declaration, for future efforts at advancing legal education.

8. Assistance, as it is broadly understood, extended by IALS to law schools, should go beyond academic assistance. IALS gives its helping hand, *inter alia*, to law schools that are “less financially endowed” in fundraising.¹¹⁷ Furthermore, assistance should extend to teaching law schools the art of “planning”—planning at all levels of law school organization, which should include, but not be limited to, planning for improving infrastructural facilities and campus governance. IALS should also help law schools internalize high values of system-governance and absorb best policies and practices that will have a bearing on the law schools' pursuit of excellence. IALS, being true to its founding philosophy of “excellence through collective effort,” should reinforce its sense of collectivity by exploring the possibilities of the EAC Project. Finally, IALS should

115. Michael A. Maggiotto, *Catalysts for Change: The Central Role of Professional Associations*, 24 POL. SCI. & POL. 580, 581 (1991).

116. Gunther Teubner, *How the Law Thinks: Toward a Constructivist Epistemology of Law*, 23 L. & SOC'Y REV. 727, 727 (1989).

117. *International Association of Law Schools: Bylaws*, *supra* note 2, at art. 2.2(i).

encourage critical and imaginative reflections—as philosophical takes—into its own schemes and projects as part of its own self-becoming and self-perfecting.

9. A tremendous responsibility has been bestowed on the legal community to reinvent ideas of “law school governance” as the globalization of legal education has necessitated a “regime” of recovery and sustenance after a late-modern collapse. IALS, cognizant of said responsibility, has been trying to unite law schools under the common cause of the pursuit of excellence. Broader and more commonplace than it may sound for many, the pursuit of excellence herein is a creation of a teleological framework for law schools to start re-thinking, re-choosing, and re-designing. It is time to rise above the post-collapse gloom, late-modern anxieties, and indisposition, if any, in postmodern conditions. Reinvention shall be collective, as the loss we had is also a collective loss—let no law school be left alone to struggle in alien temporal conditions, with decentralized ontologies. Law schools should stand united in their determination to recreate a dear world—a province of supreme excellence—that never was, but that heretofore will be built.

VI. CONCLUSION

This article sets out to contextualize the EAC Project within the broader mandate and function of IALS. In that process, it seeks the following.

First, and quite obviously, it situates IALS in the broader landscape of legal education. By theoretically examining the mandate and role of IALS, the article perceives IALS as a collectivity of institutions that share a common will to achieve excellence in legal education—excellence being the formation of a framework within which human potential can be best achieved. As part of that analysis, what is most reassuring is IALS’s effort to create an ecosystem of trust and mutual respect.

Second, the article, through imagination, fleshes out the nascent EAC Project through the influence of a value-based approach. Examining the modalities of the EAC Project through a value-based lens, the article explored the philosophical deep meanings and connections that can invigorate the Project, making it socially germane. Situating the Project in the philosophical framework also helps stretch the imagination and discover newer prospects for the Project and better modalities for taking the Project to the next level.

Third, it is beyond doubt that IALS's effort in revitalizing legal education across the world has yielded constructive results. The EAC Project added a new fillip to IALS's overall efforts. This article, from the vantage of its analytical inputs and understanding them in light of the principles of the Singapore Declaration, Madrid Protocol, and Judicial Standards, frames a manifesto that is based on the mandate of an IALS, which is augmented by the EAC Project. The manifesto aims to form an action plan not only for the EAC Project, but also to rationalize and legitimize IALS's role as the spearhead in leading legal education and traversing the perils of modernity.