

Research on the Training Model of Excellent Legal Talents Against the Background of Globalization*

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Abstract—In the era of globalization, the main manifestation of national competition is the competition of legal power, and the core of which is the cultivation of legal talents. Compared with the well-positioned training model of legal talents in the United States, Germany and Japan, there are many problems in China's training model, such as lack of professional skills, insufficient participation in international legal affairs, and the asynchrony between teaching methods and personnel training model. China's legal education should be based on the perspective of globalization, and strengthen vocational education, practical skills education and professional ethics education in the light of the development trend of global legal education.

Keywords—legal education; talent training mode; vocational education

I. INTRODUCTION

With the development of globalization, China is facing the challenge of participating in global governance in an all-round way as it moves from a big country to a powerful country in the world. This requires China to cultivate a group of outstanding legal talents who can participate in global governance. The combination of national consciousness and global consciousness is not only a new challenge to the cultivation of legal talents in the world, but also a new opportunity for the development of legal education.

II. OVERVIEW OF THE EXTRATERRITORIAL LEGAL TALENTS TRAINING

The higher education of modern universities originated from law, which is called "the king of social sciences". The earliest legal education began at the University of Bologna in Italy. Nowadays, American legal education, with its good teaching quality and unique teaching methods, leads the trend of legal personnel training in the world. China should draw lessons from the achievements of extraterritorial legal education, and absorb and transform them in the light of existing experience and national conditions. This paper discusses the legal education models of three representative countries, namely, the United States, Germany and Japan.

A. Training of Legal Talents in the United States

The goal of the United States is to train "professional legal person", focusing on the training of legal skills, and using the Socratic teaching method, which sums up legal principles from specific cases to extractions. The training model and career goal of American legal education are consistent. Legal education is a vocational education that helps students pass the bar examination. Law schools need to set up courses to provide substantive guidance for students, including substantive law topics, legal analysis and reasoning, legal writing (including oral debate) and legal literature and information retrieval, professional skills and ethics. The college cultivates students' debate skills and court skills through legal clinics, mock courts and law firms, and improves students' communication and collaboration skills to help them become practicing lawyers. In line with the trend of globalization, the United States has also tried to provide international law, comparative law, intellectual property rights, and interdisciplinary courses in the law curriculum, adopted the method of transnational training, and brought students an international perspective of legal practice. Many law schools offer master's degree programs (LL.M) in introductory training for foreign lawyers in American law, and also bring a pluralistic international perspective to legal education.

B. Legal Talents Training in Germany

The aim of German legal education is to train judges. The docking of judicial examinations focuses on training students' judgment thinking. By using law dogmatics and case analysis, students are trained to understand legal concepts, interpret and apply legal principles and rules. The German judicial examination is divided into two parts: one is the first judicial examination after completing the study of legal theory, and the other is the second judicial examination passed after two years' practice in court or law institute. Influenced by the process of globalization and European Union integration, Germany has turned to cultivating "legal persons with all-round abilities", cultivating students' abilities of negotiation management, debate and investigation, dispute mediation and so on, as well as the keen insight and thinking. The increasing number of international legal affairs has prompted Germany to add international, European and foreign legal courses, providing opportunities for students to study and exchange in other European countries in order to

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enhance their competitiveness in national legal affairs. The core courses of law, European law and basic courses of law methodology, philosophy, history and society, as well as other optional courses are set up in university courses to enhance students' understanding of transnational and interdisciplinary knowledge.

C. Legal Talents Training in Japan

Japan's undergraduate law education is mainly undertaken by the Ministry of Law, which divides the legal disciplines into three directions: the direction of *Facao* (to become a judge, prosecutor or lawyer as a professional goal), the direction of public law (to become a civil servant as a professional goal), and the direction of enterprise (to enter a large company). Students learn basic legal courses together in their freshman year, and in their sophomore year, they can choose different courses according to their career plans or interests. The subjects of Japanese law study are divided into three categories: general knowledge, specialty and foreign language. General education subjects include social discipline, historical discipline, scientific and technological discipline, information and mathematics, psychology and philosophy, literature and art, body and health, etc. It pays more attention to the cultivation of multidisciplinary knowledge. Japan attaches great importance to the cultivation of students' international vision and communicative competence, requiring them to learn Japanese, English and the third foreign language. According to the knowledge needs of students' different career planning, law subjects are divided into basic subjects (basic theory of law), core subjects (basic theory of law related to occupation) and development subjects (more detailed vocational related law and non-law subjects). The clear logical division of professional subjects presents a clear training orientation and planning for law students.

III. CURRENT SITUATION AND PROBLEMS OF LEGAL TALENTS TRAINING IN CHINA

A. Current Situation of Legal Talents Training in China

Unlike the clear training objectives of the United States and Germany, China adopts a unified training model for judges, lawyers and law researchers in law education, which weakens the training of students' legal professional skills. Japan's law education pays attention to linking learning law theory with professional planning, which should be used for reference by China's legal education. China is also exploring the synchronized practice teaching mode in the training of legal talents, which promotes the relationship between theory teaching and practice teaching from the verification of theory before practice to synchronization, and extends the training of skills from the end of personnel training to the whole process of training. Synchronized practice teaching mode may be an innovation and contribution of Chinese law education to world law education, but few Chinese universities can truly adhere to this practice teaching mode.

According to the authoritative investigation, the employment rate of law graduates in China is the lowest. After 2010, law has been a warning "red card specialty".

Although China's social transformation, the severe employment situation and other social environments have led to, and China's legal education has become a popular legal education, students simply rote to cope with exams. The poor practical legal skill is the main reason. The evaluation of law graduates and law education by the administrative and legal organs of the Department of public prosecution and law and law firms is: the homogeneity of law education, the lack of practical ability, the lack of complex and other criticisms. With the reform of judicial examination by the Ministry of Justice in 2018, how to solve the above criticism in China's legal education to adapt to the change of judicial examination needs systematic thinking.

B. Problems in the Training of Legal Talents in China

1) *The disconnection between theoretical education and vocational skill training:* Strengthening the training of practical ability and vocational skills is a long-standing topic in China's law education. The disconnection between theoretical education and vocational skills education has not been solved in the past 40 years of law education reform. How to cultivate legal thinking, analytical reasoning, clear expression, and court argumentation skills of law students is an important issue in the training model of legal talents. Law is a subject with strong practicality. In order to deal with the relationship between theory teaching and practice teaching, it is necessary to break the system barriers of society and universities and introduce high-quality practical resources of rule of law into colleges and universities. Does China learn from Japan's docking model of career planning, or America's model of legal vocational education, or Germany's model of training judges? It is an important issue to sum up experience and find out the training mode of legal talents suitable for China's national conditions.

2) *The ability of legal talents to deal with international legal affairs is weak:* Legal education has been entrusted with new tasks and missions in the era of globalization with the rapid rise of global consciousness and increasingly close links. With the deepening of globalization, there is a trend of cross-integration among economics, cultures, science and technology, and laws of all countries. The strategy of "the belt and road" promoted by President Xi Jinping in China all over the world calls for China's legal talents to study the political, economic, cultural and social development of the countries along the silk road. How to adapt the training mode of legal talents in China to the development opportunities of globalization needs to have a more open, pragmatic, rational and inclusive attitude, adjust the training mode of legal education to meet the development and new challenges of legal internationalization. How to improve the ability of Chinese legal talents to participate in international legal affairs is the purpose of exploring the reform of law education, observing foreign experience, and making use of it for me.

3) *The dissynchronization of talent training model and teaching method:* A good training mode of legal talents

should not only teach students the necessary knowledge of law and cultivate their independent thinking wisdom, but also forge students' professional skills in writing case documents and solving judicial practice. However, it needs synchronous teaching methods to play its role. China has been carrying out localization reform by drawing lessons from overseas law education mode. However, according to the investigation and statistics of the learning situation of law undergraduates and the employment situation of law graduates in Chinese universities by some authoritative institutions, many practical teaching courses offered by law education in universities, such as lawyer practice, law clinics, case study and mock court, are formalized and have not met the teaching effect expected. After establishing a good training model for legal talents, what kind of teaching methods should be adopted to achieve the real effect of practical teaching in law education in universities should also be paid attention to.

IV. THE SPECIFIC CONCEPTION OF LEGAL TALENTS TRAINING IN CHINA

Jurisprudence education should be a combination of general education and professional education of law, and it is also to cultivate a kind of practical, innovative, international and compound excellent legal talents in both morality and law to serve the people. Therefore, China's legal education should be based on the perspective of globalization, combined with the development trend of global legal education, so as to strengthen vocational education, practical skills education and professional ethics education.

A. *Training Mode of Synchronous Integration of General Education and Vocational Education*

1) *Focusing on the moral trait of legal talents:* In the training of legal talents, it should adhere to the dual-track development of legal knowledge level and ideological and moral literacy education, and promote public welfare legal education. It is necessary to establish the concept of virtue first, train legal talents to pay attention to society and serve the public welfare spirit of society, so that students can enhance their awareness of national conditions and sense of social responsibility in helping the weak and the poor. It is necessary to establish the working system of public welfare legal education, establish specialized part-time teachers and curriculum system of public welfare legal aid education, and establish public welfare credits and knowledge. For example, since 2012, many states in the United States have requested that applicants with legal qualifications must have more than 50 hours of experience with public welfare legal aid.

2) *Strengthening the blending of different disciplines, universities and countries:* In order to strengthen the integration of law education and other disciplines, and to solve social problems in law as an applied discipline, the solution of any social problems can't be undertaken by a law discipline, such as network law, entertainment law, sports law and so on. In terms of curriculum system, it is

necessary to build a legal talents training system that integrates general education with multi-disciplinary background knowledge, adhere to the cross-integration of cross-disciplinary disciplines, cross-theoretical practice, cross-college schools and cross-national regions, fully promote the cross-disciplinary training of legal talents, and cultivate students' strong dialectical, systematic and creative thinking abilities.

3) *Strengthening the practical effect of legal education:* Germany is the birthplace of dogmatics of law, but it also pays attention to practical teaching in Germany. Many judges are law professors, and even have classrooms in courts, as well as PCL in Britain and judicial training institutes in Japan. The training mode of legal talents should break the barriers between universities and society, and really promote the practicality of legal education. It is necessary to formulate the educational objectives of the trinity of enrollment, training and employment, and to establish a model of legal professional quality education that integrates legal knowledge, legal professional accomplishment and legal professional skills. The establishment of law specialty should be in line with the needs of social posts, curriculum content and vocational standards, teaching process and vocational practice, graduation certificate and vocational qualification certificate, which has effectively linked up industrial and vocational education.

B. *The Concrete Conception of the Teaching Method of Law*

1) *Training methods of practical skills:* How to deal with the relationship between the teaching of legal knowledge and the training of practical skills is the core proposition of building an excellent training model of legal talents. The training of legal practical skills can use clinical law education, legal clinic education, moot court, debate contest and other ways to try the comprehensive application of dual-tutor teaching (lawyer, judge + law teacher), micro-lecture teaching methods, and German expert case study and judgment case study methods are also worth learning from. It is necessary to carry out in-depth cooperation with legal practice departments, introduce high-quality legal teachers of practice departments, and make life cases in classroom teaching. It is necessary to establish the task list of practical part-time teachers and put practical teaching work into practice, so as to ensure that off-campus practical teachers are responsible for achieving practical teaching effect. Also, it is necessary to encourage students to ask questions in large-scale dialogue teaching and case-based teaching in small classes. At the same time, it should cultivate the students' spirit of rational speech and ability of calm response, and train the basic skills of writing legal documents by case analysis.

2) *Using school resources to start cross-curriculum:* In order to promote the specialization of legal education, it

should not only pay attention to the introduction of law and basic education, but also pay attention to the study of interdisciplinary subjects. For example, Japanese law majors have company orientation. Students can choose civil law, corporation law, tax law and other subjects related to business operation, and economic and financial, accounting, management and other subjects related to future work. Similarly, in law schools of colleges and universities of economics and finance in China, there are natural advantages of cross-disciplines integration. Under the circumstance of limited time and energy of students, it is the characteristic advantage of training outstanding legal talents for law majors in financial and economic universities to plan reasonably the blending of law courses and financial and economic courses. By giving full play to the advantages of foreign language resources in foreign language schools and the cross-setting of law and foreign language courses, foreign language schools can cultivate special talents who are proficient in multilingual participation in national legal affairs.

3) *Insisting on the reform of school-wide teaching methods*: The reform of legal education should be pushed forward systematically from top to bottom. It is not through individual teachers exploring the teaching method reform of a certain course to improve the quality of personnel training. The reform of teaching methods should be promoted by the internal reform of the whole curriculum. It is necessary to establish a system of lectures, case courses and practical courses. Each principle of law should undergo three or four types of courses, such as theoretical courses, case analysis courses and practical courses. Only by systematizing the types of courses and involving all teachers actively in the reform of teaching methods can the reform of legal education be truly realized. In the teaching reform, it is a kind of exploration and innovation to make full use of the informationization of teaching knowledge to promote the reform of teaching methods, such as using Internet technology to establish intelligent classroom and intelligent teaching building.

V. CONCLUSION

Law is the knowledge to solve secular problems. Legal education should be based on the basic orientation of social science, impart and cultivate students' specific knowledge system, thinking method and ability to deal with affairs. The training mode of outstanding legal talents should be based on the perspective of globalization and combined with the training experience of outstanding legal talents in the world, and take the concept of improving the comprehensive quality of legal talents as the basic principle. At the same time, the rule of law in a country should be rooted in local resources, and the reform of legal education should also maintain and promote the local legal culture. Legal education should break down the institutional barriers between universities and society, introduce high-quality practical resources from legal practice departments into universities, and strengthen the

sharing of experience among law education, law researchers and law practitioners.

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