

Exploration of Practical Teaching of Law in Colleges and Universities

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Keywords: Law; Practical Teaching; Colleges and Universities

Abstract: Legal education is the occupation education, so the legal education must face the practical teaching step. In recent years, the problems of practical teaching for law majors in Chinese colleges have attracted people's attention, and certain achievements have been made in. But there still exist many problems. In order to giving full play to the role of practical teaching in law education, we must base on the current situation of legal education and build and improve the system of practice teaching.

The Connotation and Value of Practical Teaching of Law in Colleges and Universities

Practical teaching of law is a relative concept from the theoretical teaching of law. It is generally believed that practical teaching of law is a teaching step that in order to meet the legal theory teaching, train the students the practical ability to analyze and solve problems, and strengthen the training of students' legal practice ability.

Law is a discipline with higher practice and application. So its teaching should focus on cultivating and exercising practical ability. Practice teaching methods in law teaching can integrate the legal theory and practice and improve students' learning interest and learning ability of law. So we can complete the teaching objectives of law better. Through practice teaching it can make students participate in the real legal process directly and own a vivid learning of the legal knowledge. We can say that the practical teaching of law is the basic way and organic component for the culturing of law talents. And it also is the most effective means of legal talents training. The present law students' low employment rate has become the concern of the colleges and universities. Of course there are many reasons for the results. But we can't deny that one of the most important reasons is that law graduates' level of practice is low. Practice teaching is a way out and measures to promote the employment for students major in law.

The Problems in the Practice Teaching of Law for Colleges and Universities

Although practical teaching of law for colleges and universities have got more attention in recent years, most law schools have increased the practice teaching link, and we have made different degree of effectiveness. Overall the practice teaching of law still exist a series of problems at present.

The Target Orientation of Law Education is not Clear

Theory of education and practice of education have a strict distinction in Chinese education mode. Our education basically is based on knowledge education and diploma education judging from the present situation. To cultivate students' practical skills is just some auxiliary teaching work. Theory teaching basically occupy most of the teaching time in our current legal education in colleges and universities. And the classical model of it is classroom teaching of "indoctrination". The teachers just make a systematic interpretation on the theory. They have not trained students' practical ability and operation ability based on the practice and technology of the subject of law itself. The emergence of this situation mainly lies in the position of college law education is not clear in our country. And the reason for the target is fuzzy of legal education of university lies in that we do not recognize occupation of law education and we do not pay adequate attention to the intrinsic value of practice teaching.

Practice Step of Law is not Systematic and Normative

Although domestic law schools have valued to the practice teaching to a certain extent, they also have

carried out some form of practice teaching, the implementation of each school is extremely unbalanced. They are in the stage of exploration and practice of the self. They haven't got a mature experience and achievements that can be extended. Overall, it is lack of systematic and normative. The details are as follows. The first, the form of practice teaching is simple and the content of practice teaching is lack of system. The practical teaching of law has a variety of forms and each with a distinct identity. But most universities just develop several forms, such as mock trial, listen the trial, understanding practice, graduation practice, legal advice. Whether some form of practical teaching step implements has great arbitrariness and it has not been written into the syllabus. Although some institutions opened the legal clinic courses, it only can be carried out in a certain range limited to the teachers and material conditions and other factors. The second, practice teaching is lack of standardization. The design and implementation of practical teaching step is completely controlled in the hands of teachers. This of course produces extremely irregular consequences and it differs from man to man. And the appraisal index of practice teaching is not established.

Law Practice Teaching Management Mechanism Is Not Perfect, Lack of Scientific Appraisal System

The severe employment situation forms a great impact on the practical teaching of law. Practice courses of law professional are arranged in the fourth academic year in view of the current situation. Then the fourth year is the most concentrated time that full of all kinds of test such as employment examination, postgraduate examination, judicial examination, the civil service examination, and so on. The students have to choose the attitude to cope with job towards the practice course when they are in this dilemma. Law schools have to take lax management in the management and supervision in view of this contradiction and status. [1] The practical teaching of law does not have hard and fast rules and corresponding evaluation criteria in most colleges and universities at present. It is also a cause of the practice teaching of law is loose in the management and supervision.

The Law Practical Teaching Needs Support

Expansion of the law practical teaching can not separable from the establishment of the corresponding supporting system. Funds, places and teachers are the important factors to restrict the development of the law practice teaching. There is less capital investment and places insufficient for law practice teaching in most law schools. In addition, Practice teaching Need to equip the teachers that the theoretical foundation is good and familiar with the law practice. In fact, the "double division type" teachers are very shortage.

Path of Practical Teaching of Law in Chinese Colleges and Universities

The article put forward some solution ideas aiming at the problems in the law practice teaching step in Chinese colleges and universities. It expects to promote the development of the practical teaching of law in Chinese colleges and universities and realize the target of law education final.

Clear the Target of Law Education, Change the Concept of Teaching

The target of law personnel training should be pluralistic culture. Some of them will be lawyers, judges, or prosecutors in the future, some of them will engaged in theoretical research, and some of them will engaged in some work which is directly or not directly related to the work of the law in the government sector, cultural organization or company. [2] So "Legal professional, basic occupation and applied talents model is the main direction of law education." [3] Legal education is the occupation education. So we must make clear the cultivation goal of university legal education is culture high-quality applied legal talents with legal professional theory knowledge and occupation skill. On the one hand, we should fully realize the importance of practice teaching of law. And gradually realizes the transition from paying attention to the theoretical teaching to paying attention to practical teaching. Legal knowledge is multitude. And the knowledge renewal speed is so fast in today's society. This is an impossible task that teaching students all legal knowledge that they may be used in future occupation career in years of schooling time. So when we teach the knowledge of the law more attention should be paid to the

cultivation of the ability at the same time. When the students are taught theory the practical teaching should be carried out. Enable students to understand and experience the legal practice as soon as possible. And they can lay a good foundation in the legal practical work for the future. On the other hand, we should make clear the students' main body position in the practice of teaching. And cultivate and improve the students' ability of analyzing and solving practical problems. We should realize the transformation from the teacher-centered teaching mode to student-centered teaching mode in a variety of practical training course. And make students change from passive audience as the main active behavior. Realize the students' high degree of participation in a variety of training. Enable students to be personally on the scene to play and experience different roles. Make the students analyze the case from different point of view as the lawyers, judges and prosecutors.

Construct Reasonable Legal Practical Teaching System

The cultivation of the students' ability of practice and the improvement of the level of legal practice depends greatly on the design and the specific implementation of curriculum system of the practical teaching of law. So the first task is developing a feasible and systematic practical teaching plan when we develop the practical teaching of law. Setting reasonable practice teaching courses in various forms and practice teaching is mandatory in the teaching plan. So we should plan and construct a number of suitable for practical teaching materials. And we should make clear of teaching content, teaching objectives and teaching plan to make the practice teaching of law systematic and standard. Practical teaching system of law can be divided into two main categories which are classroom practical teaching system and practical teaching system outside the classroom. The former mainly includes case teaching, the thematic debate teaching, simulates the court teaching and legal clinic teaching. The latter includes studying in the courtroom, practicing in the legal department, legal advice and legal aid. In the concrete operation we should choose law practice teaching mode of ours according to the specific situation. And this model should be operable, diverse and progressive. Our legal clinic courses as the main line and the social practice is the base of our practical teaching. The practice patterns are identified as the follow: studying in the courtroom, practicing in the legal department, legal aid and simulates the court teaching. We will gradually establish a culture of three levels of the model of practice teaching. In the first level we will cultivate students' legal awareness and sensibility of legal awareness in the first grade and the second grade. In the process of the first level we will develop it on the basis of theoretical knowledge of law and by the means of case teaching method, and at the same time we will combine with the courtroom and apprentice mode. In the second level we will train the students' occupation ability in the second grade and the third grade. In the process of the second level we will develop the experiment teaching relying on the moot court, legal clinic course. In the third level we will train the students' thinking ability and expression ability and cultivate students' sense of social responsibility and dedication through practicing in the holidays and participating in the legal aid activities in the third grade and the fourth grade. We will realize combining on-campus with off-campus, combining long-term with short-term, combining legal practice with legal business exercise and combining community activities of students with service learning through the cultivation of the three level model of practice teaching. And we will build the platform to study law in practice for students. [4]

Improve the Management Mechanism of Legal Practical Teaching and Build a Scientific Appraisal System

Firstly, schools should establish and improve various rules and regulations of law practice teaching management, and establish the incentive mechanism of practice teaching for teachers. Thus we can mobilize the enthusiasm of students and teachers in the practice teaching. Strengthen all aspects of practice teaching management in order to ensure the order and stability of the practice teaching of law and promote the quality of practice teaching of law. Secondly, we should establish the appraisal system of the practice teaching of law. The appraisal system of practice teaching is scientific or not decides the quality control and quality assurance problems of practice teaching. So the establishment of practical teaching appraisal system must be scientific, reasonable and feasible. Also this system must be comprehensive and objective. It includes the appraisal method for teachers and the appraisal criteria for students. It also

includes the appraisal index of the practice teaching courses are reasonable, whether the operation is orderly. For teachers' appraising we should combine their work performance with their promotion and allowance in order to promote the enthusiasm of teachers carrying out practice teaching. Especially the appraising for students to participate in the practice teaching must achieve specific quantitative appraising. For example, it can be regulated that the time can not less than 2 months each academic year that students participate in understanding practice. And in the practice report must have appraisal results which are from their guidance teachers in order to ensure the time and the effect of students participate in teaching practice.

Increase Investment and Establish the Support System of Practical Teaching

The smooth functioning of law practice teaching need us support and cooperate from many aspects. There are higher requirements for the development of practical teaching of law in the site conditions, guidance teachers, equipment etc. compared with classroom teaching. In order to improve the quality of practice teaching we must fully rely on the perfection of various conditions such as laboratory, experimental equipment, practice base, guidance teachers of professional practice, moot court and sufficient funds, and so on. [5] First, we should increase the investment of the law practical teaching and provide a solid material guarantee for the practice teaching. For example, simulates court teaching and legal clinic teaching all need special venues and facilities. The activities of the thematic debate, legal advice and court hearings that the students develop all need funding support. Secondly, establish the stable practice base and ensure that the practice of teaching can smoothly conduct. Generally speaking, the method of combining the practice base outside school with the practice base in the school is appropriate. Law school faculty should establish long-term off-campus practice base with these local units, which include the court, the procuratorate, the public security bureau, the notary office, law firm, the arbitration commission and consumers' association etc. And law school faculty should maintain close relations of cooperation with the units above mentioned in order that the teachers and the students in the law school faculty can more contact with the front-line practice. It can realize the sharing of resources and ensure the stability and diversity of practice teaching. Law firm, Legal Aid Center, Legal Clinic and simulates the court in-campus that belonging to the school of law of their own should be established in the school. Thus we can provide regular practice places for the students and provide a reliable guarantee for the smooth implementation of the practical teaching finally. [6] Again, we should improve the practical ability of teachers in Colleges and Universities in order to provide qualified teachers for practice teaching. The Conduction of practice teaching of law requires the guidance teachers not only have rich professional knowledge and teaching experience, but also have higher ability of practice teaching and practical experience. Otherwise the teachers can not qualify the work that guiding practice teaching. The construction of practice teachers can be achieved by encouraging teachers to work part-time. On the one hand, law professional teachers in colleges and universities can be engaged in case litigation agency and go in-depth social practice by doing a part-time lawyer, on the other hand, it should encourage the department of higher education to carry out joint and cooperation in various forms with the judicial practice. And make university law teachers go deep into the notary office, the arbitration mechanism, the public security bureau, the procuratorate and the court etc. The teachers can improve the professional skills by working part-time as the people's jury, supervisor, expert mediators and the arbitrator and other role, for thus they can participate in the activities of the legal consultation and trial practice. At the same time, colleges and universities can also hire some senior lawyers, judges and prosecutors to do part-time in law school. These legal practitioners can make up teacher shortage of "the double teacher" and promote the practice teaching of law.

Conclusion

From the above we should correctly face the existing problems in the college law education, when we teach the students traditional theoretical knowledge, we should carry out the practical teaching step at the same time. We should actively promote the reform of legal education in order to realize the target of cultivating legal talents that the society needs.

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