

SWOT Analysis of Clinic-style Legal Education in China

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Abstract—Clinic-style law education was introduced into China in 2000, which has achieved certain results after 17 years of development. Due to its American mode, it is necessary to be localized according to Chinese conditions. The development of clinic-style legal education in China has both opportunities and challenges. The opportunities are mainly reflected in the fact that clinic-style legal education is highly practical, can make up for the inadequacies of traditional legal education, and further improve China's existing legal education system; the development of clinic-style legal education is in the era of China's rule of law and is conducive to the realization of Outstanding Legal Talents Program and the construction of legal aid system in China. However, the widespread implementation of clinic-style legal education in China still has difficulties in changing the concept of legal education, how to get a lot of financial support, incomplete teacher recruitment system, low social recognition of student cases, and lack of national legislative protection and other challenges. In view of the opportunities and challenges faced by China's clinic-style legal education, the SWOT matrix analysis method is adopted. It is suggested that China should not only learn from the US education mode, but also change the concept of education. Relevant Chinese government departments must establish a special system to solve the problem of funds and teachers, increase the protection of clinic-style legal education by the law, and increase public recognition of student cases. The development of clinic-style legal education in China has a good time background. Therefore, it is imperative to seize the opportunity of the times and actively seek support from all parties to reduce the obstacles to the localization of clinic-style legal education.

Keywords—China; clinic-style legal education; practice; SWOT analysis

I. INTRODUCTION

Clinic-style legal education is a new educational mode in China, and the United States was the first to adopt the clinic-style legal education mode. American universities have observed that students in medical schools must practice in clinics in addition to theoretical study. Medical students must carry out clinic-style practice in the clinic to diagnose and treat different patients so that they can get professional training and pave the way for a qualified doctor in the future, on which is the clinic-style legal education based, thus it is named so. The law, like medical science, is a highly practical subject. Legal clinic education is aimed at improving the practical ability of law students so that they can use the

knowledge they have learned in the real world to solve real problems.

II. RESEARCH STATUS

The current research on this topic mainly involves three parts: first, the origin, content and characteristics of clinic-style legal education; second, the status quo of the development of Chinese clinic-style legal education and the problems in the development process; Third, China's clinic-style legal education has good prospects, but it must continue to be improved so that it can be popularized in China. After searching for the topic "clinic-style legal education" in CNKI, a total of 868 articles are searched, most of which cover the above three parts, specifically:

By expounding the contents, forms and characteristics, the clinic-style legal education is compared with the traditional legal education mode, and the strengths and the prospect of legal clinic education are summarized;

The problems existing in the legal clinic-style education in China are analyzed, and some solutions to these problems are put forward so as to get out of the predicament;

China shall learn from where it is worthwhile for China to study in the course of the United States clinic-style legal education. At the same time, it must adapt measures to local conditions and, in light of its own reality, constantly improve the teaching mode of clinic-style legal education.

III. CONTRIBUTION OF THIS PAPER TO RELATED RESEARCH

The number of law schools and law students in China has increased dramatically. When cultivating legal talents, China shall focus on the quality instead of quantity;

Chinese legal clinics can provide high-quality legal talent for Chinese society, which is in consistent with China's goal of the Outstanding Legal Talents Program;

The clinic-style legal education can provide a large number of legal talents for the legal aid system. At present, the establishment of a legal aid system in China requires a large number of legal talents. Legal clinics can alleviate the problem of shortage of legal talent. Therefore, the two can be combined to form a win-win situation.

IV. STRENGTHS AND OPPORTUNITIES OF CLINIC-STYLE LEGAL EDUCATION IN CHINA

A. *Analysis on Strengths of Clinic-style Legal Education in China*

Compared with traditional legal education, clinic-style legal education mainly has the following differences:

First, the content and form of teaching are different. The traditional legal education mode is taught by teachers, lectured by experts, or read by students themselves to acquire professional skills. This is undoubtedly on paper and has little effect. The content and form of teaching are abundant in legal clinic education. The teaching contents include basic vocational skills training, court role playing and court debate. In spite of some simulation training, the students will eventually face real cases, deepen their understanding of the legal knowledge, improve their professional quality and accumulate experience by dealing with real cases. In form, legal clinic education is an open way of education, and there is no strict system of classes.

Second, the students' subjective initiative is different. In the clinic-style legal education, all students are able to give full play to their subjective initiative, which is beyond the reach of traditional legal education. In law clinics, students are the main body. Their opinions can be different from those of teachers. Teachers are supplementary roles and play a role in guiding and supervising students. Most cases in legal clinics are real cases. For students, they are more than just case studies with answers. Students are not pursuing standard answers in the process of actually undertaking the case. Their goal is to maximize the legitimate rights and interests of the parties and to convince the judges to accept their views, which allows the students to think continuously, to exercise their divergent thinking and logical thinking. Therefore, the so-called standard answers in traditional legal education are of little significance to law students (Chen Zhongze, 2002).

Third, the students' professional ethics are different. For a law student, a correct professional ethics is essential to becoming a lawyer, and clinic-style legal education can help students establish professional ethics (Guo Tian-wu, 2008). In real life, there are indeed some lawyers who try to persuade parties or bribery witnesses to obtain financial benefits, which not only violate the industry standards, but also greatly reduce the citizens' trust in the law, making rule of law construction in China become a distant future. In legal clinics, students must abide by the professional ethics and discipline of a practicing lawyer to actually handle the case. Not only must they do their utmost to help the parties to safeguard their rights, but they must also uphold professional principles and abide by and maintain national laws. The clinic-style legal education can slowly cultivate students' sense of professional responsibility, make them feel professionally proud, recognize in advance the occupational problems they will encounter, and prevent them from becoming helpless when faced with difficulties, in which are seldom involved by the traditional legal education. Even if involved, it is only a general discussion. Students do not

have real experience, so they cannot form a strong sense of professional ethics.

It is concluded that clinic-style legal education is a teaching mode that emphasizes on practice whose emergence can make up for the inadequacies of traditional legal education and further improve China's existing legal education system.

B. *Analysis on Opportunities of Clinic-style Legal Education in China*

1) *Clinic-style legal education meets the demand of China's legal construction:* China is in an era of comprehensively advancing the rule of law and accelerating the construction of a socialist legal system. Legal education should have a stronger sense of responsibility for cultivating high-quality legal talent. In this context, the legal talents needed by China must not only have legal knowledge, but must also have clear legal logic, proficient practical skills, and correct professional ethics.

With the advancement of China's popularization of law, more and more Chinese citizens use legal weapons to safeguard their rights and interests. Legal education should cultivate a large number of professional legal talents and continuously satisfy the society's demand for legal talents. The clinic-style legal education focuses on training students' practical ability, which requires students to keep up with the times, have the ability to find problems, face problems, and solve problems, and also to shorten the time for the transformation of theoretical knowledge into practical ability.

2) *Clinic-style legal education is conducive to the implementation of China's Outstanding Legal Talents Program:* The Outstanding Legal Talents Program is designed to cultivate high-quality legal talent in China to meet the needs of the era of building a socialist country under the rule of law, which focuses on the core of improving the quality and practical ability of legal talents, and cultivates applied and compound legal talents that meet the requirements of the times. Although China's current higher education has made great progress, the cultivated legal talent still cannot fully meet the needs of the construction of a country under the rule of law. The specific problems are mainly manifested in: The teaching mode of legal talent training is single, and the practical ability of law students is not strong. Therefore, Chinese universities must improve the quality of legal talents and transform the training mode for legal talents. The Outstanding Legal Talents Program pays attention to practice teaching, increases the proportion of practice teaching, and requires universities to ensure the teaching hours of law practice, make full use of good legal education resources, actively build the practice base outside school, and carry out effective professional practice, and constantly strengthen the students' practical ability.

Clinic-style legal education provides students with real cases, so that students can effectively use legal knowledge, acquire practical skills and establish correct professional

ethics. In the course of teaching, students are independent individuals. They can actively participate in real cases, understand and use the law in the process of dealing with the cases, deepen the understanding of the theoretical knowledge, cultivate the lawyer's thinking, and enhance the understanding of the legal problems, which is an effective combination of theory and practice. In addition to cultivating students' professional skills, legal clinics can also give students the correct value orientation of the legal profession and allow them to become a good, honest and honest legal person. It can be seen from this that clinic-style legal education is closely related to the Outstanding Legal Talents Program. The clinic-style legal education can cultivate outstanding legal talents who adapt to the era of construction of the rule of law in China.

3) *Clinic-style legal education is conducive to the construction of legal aid system in China:* With the

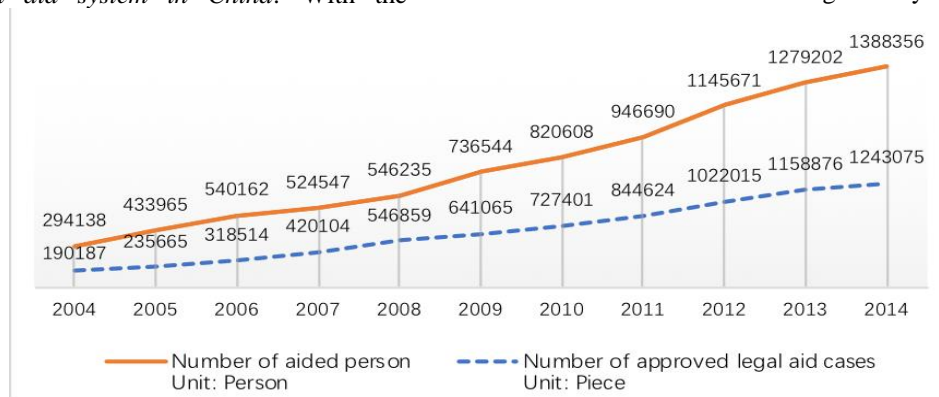


Fig. 1. Statistics on the work of legal aid in China in 2004 to 2014.

continuous advancement of China's rule of law, Chinese citizens' awareness of protecting their rights in accordance with the law is constantly increasing. The demand for laws has risen sharply and there will be more and more people who resolve disputes through litigation. In real life, there are indeed some people who cannot afford to hire a lawyer because of financial difficulties and therefore cannot defend their rights for which are legal aid needed. The establishment of a legal aid system requires the support of a large number of legal talents. However, the current number of lawyers in China is far from meeting the requirements of the legal aid system. In this context, clinic-style legal education in clinics allows students to provide legal aid and handling legal cases, and they can inject fresh blood into the legal aid industry, which also eases the tight supply and demand situation of current legal aid system in China.

V. WEAKNESS AND THREATS OF CLINIC-STYLE LEGAL EDUCATION IN CHINA

A. *Analysis on Weakness of Clinic-style Legal Education in China*

China's legal clinic-style education mode is the product of imitation. China only learns from the teaching mode in the United States, which will have its own shortcomings. First of all, in the United States, legal clinics are designed to train lawyers. The goal of US law school education is to train students' lawyer skills and make them professional lawyers. In China, some of the legal talents cultivated by the law schools are required to work in procuratorates, courts, etc., and becoming lawyers is only a choice for some law students (Wang Juying, 2005), while in China, judicial officers such as prosecutors and judges are not created from the ranks of lawyers, but most American judges are practicing lawyers.

Second, clinic-style legal education requires substantial financial support to maintain its operation. The clinic-style legal education must first have a workplace to provide students with the parties to meet with them, and at the same time, it can let the people in need know the existence of these students who provide legal services.

In China, students cannot charge for handling cases, but student agent cases cost money. The budget for clinic-style

legal education includes the cost of investigation, the purchase of computers, printers, printing and copying, transportation and related activities (Ma Yunbo, 2016). This kind of teaching mode that allows students to spend their money in handling cases is not feasible in most Chinese universities.

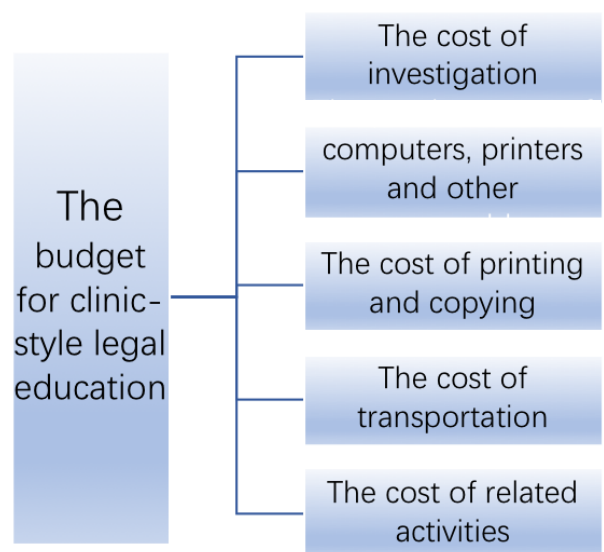


Fig. 2. The budget for clinic-style legal education.

Third, the remuneration of teachers in legal clinics. Students in law clinics need guidance and supervision from teachers. It still needs a large number of teachers to devote themselves to legal clinics in China. The development of clinic-style legal education cannot require teachers to carry forward the spirit of dedication, and an incentive mechanism is needed to attract teachers to participate in the legal clinic education so that they can get their due pay, which shows that financial support is very important for legal clinic-style education. The successful introduction of this teaching mode in China in 2000 was also due to the support of the American Ford Foundation.

B. Analysis on the Threats of Clinic-style Legal Education in China

In addition to its own limitations, legal clinic-style education has some external factors that hinder its development in China.

Three procedural laws and lawyers' laws in China have clearly defined the status of lawyers. Although the law does not restrict the citizens other than the lawyer from becoming a lawsuit agent, the credibility of the citizen as a lawsuit agent is very low. This is understandable. At present, there is no legislation on clinic-style legal education in China, and there is a clear legislative gap in this regard, which will cause students to handle cases only in the identity of ordinary citizens, and many of the work related to lawyers cannot be fully carried out, and so the lawyer's skills cannot be fully trained.

Secondly, from the social level, the social trust of the student as a lawsuit agent is low, which is mainly manifested in the following: first, the identity of the society for the student's legal aid is not recognized; secondly, the students' legal ability is doubted (Li Changcheng, 2011); third, when students conduct legal work, such as investigation and evidence collection, they will be treated unreasonably; fourth, after the students provide legal aid, there is a risk of retaliation (Wang Zhipeng and Li Saisai, 2016).

Clinic-style legal education needs a lot of financial support, but there are still differences in China's regional economy. According to the data of the Chinese clinic legal education network, most colleges and universities offering legal clinic courses are concentrated in developed areas such as Beijing, Guangdong, Zhejiang, Jiangsu and Shanghai, while only one or two colleges and universities in remote areas, such as Yunnan and Qinghai, offer legal clinic courses.

VI. COPING STRATEGIES IN LOCALIZATION OF CLINIC-STYLE LEGAL EDUCATION IN CHINA

In this paper, the SWOT analysis is used to study the internal strengths, disadvantages and external opportunities and threats of clinic-style legal education in China, and the contents of the study are arranged in the form of matrix, so that the conclusions and countermeasures can be obtained.

TABLE I. SWOT ANALYSIS OF CLINIC-STYLE LEGAL EDUCATION IN CHINA

Internal	Strength	Weakness
External Opportunity	SO combo Give full play to the strengths and make use of the opportunity	WO combo Take advantage of opportunities to overcome disadvantages
Threats	ST combo Take advantage of the strengths to reduce the threat	WT combo Constantly learn to overcome disadvantages and meet challenges.

A. W-T Strategies

Clinic-style legal education is an imported product in China. Therefore, for how to overcome the shortcomings and meet the challenges to make it more in line with China's national conditions, the following suggestions are put forward:

First of all, the previous paper has analyzed that the clinic-style legal education in China draws on the American mode of education, and the concepts of legal education in China and the United States are also different. China must not only learn from the American education mode, but also draw on the American legal education concept. The goal of legal education in China should be to cultivate high-quality talents with professional legal knowledge, and legal clinics are the most effective platform for students to acquire skills. Therefore, Chinese universities and teachers should change the concept of legal education and promote the better development of the legal clinic education.

Second, China's clinic-style legal education requires a lot of funding. If the legal clinic education is to be disseminated to all law schools in China in the future, the funding problem needs to be solved. On the one hand, the Chinese government and the education department should strongly support clinic-style legal education with the specific performance to establish special funds for legal clinics and set up a special system to solve the financial problems such as clinic course setting, instructors, and student fees (Cai Yanmin, 2005). On the other hand, the support of private funds can be sought. Legal clinic-style education and legal aid are closely linked. Students can obtain financial support by providing legal aid (Zhu Quanying and Chen Changfeng, 2008). In this way, it not only solves the problem of the shortage of legal aid personnel, but also solves the problem of insufficient source of the case. It can be said that there are many advantages.

Third, the ambiguity of students' handling of cases should be determined by legislation. In the United States, many states have recognized the student's "quasi lawyer" identity through legislation. Students in American law clinics have the same rights as lawyers in the actual handling of cases if they present proof of school. China should also give some room for clinic-style legal education in legislation, and recognize the student's "quasi lawyer" identity which will increase the recognition of the public and reduce the unfair treatment or neglect of the students in handling cases.

Fourth, in terms of teachers, China should establish a reasonable system of appointment of teachers. Teachers in law clinics must be practicing lawyers with substantial practical experience. In addition, we can also consider the appointment of retired judges, prosecutors, lawyers and so on as teachers, who have rich experience in legal practice and have plenty of time to guide students (Zhang Dongmei and Shi Zhengbao, 2013).

B. W-O Strategies

Chinese clinic-style legal education must seize the opportunity of the times and overcome its own disadvantages.

In early 1994, the Chinese Ministry of Justice, in line with the principle of "Everybody is equal before the law", first proposed the establishment of a legal aid system with Chinese characteristics. The system was established to safeguard judicial justice and achieve equality before the law and social justice. Once the idea was put forward, it was warmly received by many provinces in China (Zhen Zhen, 2002). China is in a new era of socialist rule of law, and China's legal aid system is constantly improving.

At present, there is a contradiction between supply and demand in China's legal aid system, and the number of legal professionals who can provide legal aid is very small. The current legal aid institutions in China include three parts: legal aid of the nature of the government, legal aid set up in the law firm, and legal aid institutions set up by various social groups, such as the women's Federation and the trade union. The clinic-style legal education in China should be closely linked with the various legal aid centers to provide students with opportunities to participate in legal aid activities and to meet the needs of legal aid system for legal personnel. At the same time, it is also possible to actively seek financial support from these legal aid agencies, broaden sources of funds, and ease financial pressure on clinic-style legal education.

C. S-T Strategies

Chinese clinic-style legal education should give full play to its own advantages and continuously reduce the external factors that hinder its development.

The clinic-style legal education, with strong practicality, can make up for the deficiencies of traditional legal education. Through learning in legal clinics, students can acquire practical skills, give full play to subjective initiative, and cultivate correct professional ethics. Teachers and schools should strengthen supervision and guidance to law students, make full use of the platform of law clinics, and enable law students to become professional legal talents. In China's clinic-style legal education, the social trust of students in handling cases is low. To change this situation, law students must continuously improve their own quality and use professional legal knowledge to win the trust of the public.

The clinic-style legal education is an advanced teaching mode, but there are still difficulties to spread it all of China. At present, China has many problems such as large regional

economic disparity and uneven distribution of educational resources. Therefore, China also needs to continuously develop its economy, pay attention to investment in educational resources, and reduce obstacles to the development of clinic-style legal education.

D. S-O Strategies

China's clinic-style legal education should give full play to its advantages and make full use of opportunities.

Different from traditional legal education, clinic-style legal education gradually develops students' lawyers' thinking and enables students to acquire skills in practice in practice. Most of the legal clinic courses in Chinese colleges and universities refer to the formulation of the program in the law schools of the United States which should be set up according to the actual situation in China. In clinic-style education, teachers must have experience in practicing lawyers, and students should be junior and senior and have a solid knowledge of law. Although clinic-style legal education is highly practical and traditional legal education is mainly based on book knowledge, Chinese universities still cannot abandon traditional legal education when cultivating law students. The basic legal knowledge of students is still acquired through traditional methods such as teaching and lectures by teachers. Chinese universities also need to consider the transformation of traditional legal education (Gong Xiangde, 2010), such as the introduction of small classes, etc. to enhance the connection between teachers and students so as to achieve effective practice. In addition, the teaching content, form and methods shall also be designed.

China is in the era of governing the country according to law. There is a great opportunity for the development of clinic-style legal education. The talents trained by clinic-style legal education are more in line with the needs of China's rule of law. Therefore, we should seize the opportunity of the times, set up a special fund system, increase the protection of legislation, and actively seek support from all sectors of the society, such as the educational administration department, the legal service institution, and the social media and so on.

VII. CONCLUSION

China's legal clinic-style education must be integrated with China's reality, and the theory and practice must be closely linked to constantly make up for the inadequacies of traditional legal education. In the process of localization of China's legal education, there are defects in funds, teachers, and legislative protection and so on, and the educational mode is not fully popularized in China. However, clinic-style legal education provides an effective way for law students to combine legal knowledge and legal skills. At the same time, it has a good time background for the rule of law in China and conforms to the requirements of the era of China's rule of law. Therefore, the popularity of clinic-style legal education with Chinese characteristics in China is just around the corner.

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