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On Practical Teaching Modes: Experience from the China University of Political Science and Law*

*Shuzhong Li***

The *Specialty Catalog and Introduction of Institutions of Higher Learning* promulgated by the Department of Higher Education, Ministry of Education of the People's Republic of China, states that practical teaching includes legal consultation, social surveys, thematic debate, moot trial, debate on hard cases, internships, etc. Therefore, based on these relevant provisions of the Ministry of Education, China University of Political Science and Law has made exploratory studies of practical teaching modes in the various areas. This paper discusses these modes of practical teaching.

I. PRACTICAL TEACHING COURSES

A. *Moot Trial Teaching*

The purpose of moot trial is to provide a simulated situation which enables students to acquaint themselves with the actual procedures of a trial, learn the substantive and procedural laws related to the cases, and train them in their problem-solving skills, sense of innovation, language skills, and mutual coordination ability.

Moot trial teaching tests and improves students' practical abilities, while simultaneously promoting the cyclic interaction of the simulated roles among the students. Moot trial teaching is operational training that enlightens students' multi-angle thinking, analysis, discussion, and flexible creativity by choosing cases that are worthy of theoretical exploration and involve many aspects of legal relations. Usually the moot trial training courses are based on complex cases. Students acquire, through the competition and the experience, the skills of processing and analyzing practical cases, and debating in court like a real lawyer. Moot trial is systematic training, covering the whole process of a trial.

Reading case files is the first job students take on, which enables them to grasp an overall understanding of the cause of action and the facts leading to the occurrence, alteration and termination of the legal relationship. Starting from the scattered and disorderly materials offered, students will discover, screen, recognize, and construct facts and evidence to identify the relevant points of law, research applicable laws and regulations, and form their own views as an agent

* Translated by Lei Yu.

** Provost, China University of Political Science and Law. The following article contains his observations and comments on implicating practical teaching into the curriculum at China University.

ad litem. This helps develop both their mental and physical ability to read, analyze, summarize, and sort out materials with a view toward the facts.

In the second step, students should learn how to form a preliminary legal opinion and make statements and arguments in court—overall, to do a good job in preparation for trial. This not only lays a solid foundation for a good beginning of the trial, but more importantly, the students' experiences at this stage give them a preliminary taste of the responsibility and difficulty of the legal profession.

The next step is a complete demonstration of a real trial, in order for students to experience legal procedures and basic methods of law application. The practical legal training dedicates itself to training students on seeking, analyzing, and interpreting laws in solving specific cases. Through this training, students will acquire a dynamic skill set.

B. Clinical Legal Teaching

Clinical legal teaching aims to foster students' ability to apply their legal education through the process of contacting real clients and dealing with real cases at legal clinics established on a particular subject, similar to medical students in clinical internships. Our university has already begun exploring clinical legal teaching.

Through practical experience in clinical legal education, students have not only learned practical skills, but have also cultivated their analytical thinking and judgment. Clinical legal education requires the students to be creative problem-solvers as well as be critical when reflecting on practical teaching. Clinical legal teaching puts students in the shoes of lawyers, compelling them to make numerous decisions. The students also have to learn to weigh various competing interests, such as the law, their clients' interests, and morality. In this way, students can voluntarily shoulder the responsibility in the learning process and teachers can wholeheartedly devote themselves to teaching. Sufficient pressure generated in the clinical environment can drive the students to cultivate such abilities as client interviewing, consultation, debate, and legal writing.

C. Legal Writing

Legal writing calls for technical legal skills as legal written instruments require a unique way of thinking and expression. Therefore, it is difficult to write satisfactory legal instruments with knowledge of only general writing. It is impossible to draft qualified legal instruments without receiving specific, scientific, and systematic legal writing training with theoretical guidance. The students' goal is to achieve a good command of basic legal writing through systematic training in this course.

D. Lectures by Experienced Judges, Prosecutors or Lawyers

Law teachers, in most cases, are not familiar with judicial practice. To make up for this weakness, we should explore new methods by hiring outstanding judges, prosecutors or practicing lawyers to be visiting teachers who can give lectures to students on a regular basis. Their rich practical experience and lively analyses will be helpful in developing students' legal thinking, reasoning, analytical skills, and overall their ability to practice law.

E. Skills of Negotiation and Debate

An eminent judge, prosecutor or lawyer must be a mastermind in terms of legal thinking and legal language. Towards this purpose, this course takes basic theories about judicial language corpus, judicial language chain combination, and the interactive language in court as its main curriculum. In this course, students analyze the function, regulations, and techniques of interviewing language, interrogating language, trial language, cross-examination language, and mediation language in judicial proceedings. Students apply their knowledge of law to judicial practice through watching trial videos, participating as members of a courtroom audience, organizing moot courts, and debating in the classroom about cases. This course aims to foster the students' ability to analyze and solve problems, use legal language, and apply legal theories to judicial practice.

F. The Legal Professional Rules of Conduct

This course has the objective of examining the legal professional rules of conduct for lawyers, prosecutors, judges and other legal professionals. While this course has risen with the development of China's legal profession and judicial reform, it has become a basic component of legal training and is a subject with distinct characteristics. China University of Political Science and Law has taken the lead in research and instruction in the legal professional rules of conduct, one of the most popular subjects among students.

This course helps students acquaint themselves with such legal professional rules of conduct as conflicts of interest, confidentiality, advertising and solicitation, unilateral contact, litigation publicity, and withdrawal. In this course, students are able to heighten their awareness of rules and sense of justice, learn from the role models of qualified lawyers, prosecutors, judges and other legal professionals, and promote justice and fair law enforcement by learning about specific procedures and the importance of professional rules of conduct. In addition, the subject is typical of strong operability and applicability, which plays an important role in developing students' overall quality, spirit of innovation, and ability to practice.

G. Professional Externship

Through the professional externship, students are to better understand judicial practice and social reality while getting familiar with the judicial process. They are also expected to analyze legal issues with the skills they have acquired, locate difficult problems, and seek proper solutions. The professional externship also aims at developing students' all-around, comprehensive capacity. This includes the abilities of social practice, public coordination, theoretical instruction combined with practical utilization, the ability to self-teach and innovate, and the ability to detect, analyze and solve problems.

We take active measures to establish friendly and cooperative contacts with legal organizations such as courts, procuratorates, and law firms. We work to set up professional externship bases with them through contracts in accordance with the principles of mutual benefit and cooperation. The contracts specify that in order to secure the success of professional externship, the cooperative party should set up a coordinating division to manage all externship-related work and keep contact with our externship department. The contract also provides that the externship unit is to assign supervisory tasks to its capable staff members with plentiful experience in judicial practice.

II. PLANS FOR PRACTICAL TEACHING MATERIALS

A complete set of teaching materials is essential for high quality, practical teaching. A systematic and full set of practical teaching materials will surely be well-received among professionals and students since there is nothing of the sort in China. Currently, China University of Political Science and Law is negotiating with a publishing house about publication of a series of teaching materials, the contents of which includes the legal professional rules of conduct, moot trial, skills of negotiation and debate, trial techniques, legal writing, and non-litigation practice.

III. THE ARRANGEMENT OF TEACHERS FOR PRACTICAL TEACHING

The practical teaching group shall consist of professional teachers, executives, and part-time teachers from departments of legal practice. Since the practical teaching model attaches great importance to the thoughts and needs of students and the problems they are confronted with, teachers are to be equipped with both essential knowledge of the law and hands-on experience of solving real cases. Apart from imparting knowledge of the law in class or in tutorship, teachers should give lectures on professional skills and ethics, as well as pay close attention to the cultivation of students' communication skills. Besides earnestly preparing for and delivering lessons, teachers are also required to possess great imagination, creativity, and presentation skills. Therefore, teachers with hands-on experience in legal practice and legal professionals are needed for

practical teaching. Such teachers are able to teach their students lawyers' particular way of thinking and the special ability to analyze, judge, and solve problems in legal practice, in order to enable students to think like a lawyer. Practical teaching also requires teachers with rich hands-on experience to devote themselves to dealing with cases and training students. However, the current assessment standards for the advancement of teachers' academic titles are based on their research accomplishments, rendering their engaging in practical teaching a disadvantageous position. A solution to this problem is to establish a set of assessment standards designed especially for them, which will facilitate the sustainable development of practical teaching. Furthermore, a group of executive and clerical staff should be organized to efficiently deal with the daily routine. Overall, the part-time teaching staff in the practical teaching department should be recruited from a pool of senior legal practitioners, such as experienced lawyers. In this way, we can get access to their professional skills as well as gaining their financial support.

IV. FACILITIES AND FUNDS

Facilities and funds are indispensable to practical teaching. The facilities especially needed for practical teaching includes TVs, hi-fis, video recorders, audio recorders, computers, and CDs. These facilities must be purchased to properly equip specialized classrooms for practical teaching. China University of Political Science and Law has established special mock trial classrooms and has equipped them with these relevant facilities.

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