Adjustment Model of The Reform of Legal Education Mode Based on Professionalism Trend

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Abstract

Approved by the state, the law represents the will of the ruling classes and serves as an important tool for sustaining the stable development of the country and society. It has mainly played an explicit, corrective, preventive and final role. With the continuous development of social economy in our country, justice and independence of the law is more demanding than ever before. For this reason, the accelerated progress of building the rule of law has become one of the key issues faced by major countries. However, the development of legal professionalism can effectively implement the technicality, specialization and independence of the national judicial power, which has become an inevitable trend of further development of the legal system and an inevitable requirement for our country to comprehensively push forward the rule of law. As an important part of the legal system in our country, legal education has not played its due role in the development of legal professionalism, thus greatly restricting its development. Therefore, the reform of the traditional legal education mode has become an urgent issue in the development of legal professionalism in our country. In view of it, based on the trend of development of legal professionalism, this paper made in-depth study on the reform of traditional legal education mode, and put forward new thinking for arrangement of law courses under the guidance of professionalism development of law, thus playing certain reference role in promoting the development of traditional legal education mode.

Keywords: Legal Professionalism, Legal education, Course Adjustment.

1. RESEARCH OVERVIEW

1.1 Research background

“The rule of law” concept was formally proposed at the 12th National People's Congress in 1982, greatly enhancing the status of law. In our country, legal professionalism was launched in 1985 when unified qualification examination system for judges and prosecutors was established head by the government. Later, in 1986, through the national examination for the qualification as a lawyer, a lawyer qualification rating system was built and a relatively complete legal professional development framework was established. In 2002, in order to further promote the development of legal professionalism, our country established a unified national judicial examination system, and those who had only passed through the examination can engage in various legal-related jobs, reflecting that our legal professionalism was in a rising trend. Legal professionalism building is a huge systematic project that cannot be completed by system construction alone. Legal education is an indispensable and important link in the process of legal professionalism, its degree of legal construction has direct impact on the level of legal professionalism. In recent years, the level of legal education in our country has been continuously improved, and a legal education system has been established based on China’s national situation. At present, China has established more than 600 law schools, together with law departments or schools of law in various universities and colleges, producing more than 600,000 law graduates every year. However, one of the key issues in legal education in our country is that the quality of education is unsatisfactory, and professional competency of graduates in law profession has far below the requirements of development of legal professionalism. Therefore, in the process of legal professionalism, the education of legal professionals should be valued highly, and through improvement of level for legal education, highly qualified personnel will be provided continuously in the development of the legal professionalism.

1.2 Review of literature

With the continuous development of China's economic system and social structure, the traditional structure of
higher education has shown many shortcomings. The direction of education reform in the future will attach great importance to modern vocational education system and make adjustment to the traditional education mode to form the situation of parallel development for undergraduate education and vocational education. For legal education, the system of legal education in our country mainly consists of three aspects: professional legal education, bachelor education and master education of law specialty. As far as it goes, the teaching level of professional legal education is relatively poor, producing personnel that fail to meet the requirements of the legal profession. Therefore, how to effectively improve the teaching level of professional legal education, promote the overall development of legal education and cultivate more legal professionals have become one of the most important issues in the development of legal professionalism in China (Xia and Wen, 2015). Law is a highly specialized and practical subject, which contains complex content and involves in a wide range of fields. Therefore, it is very difficult to cultivate a qualified legal talent. In the process of legal professionalism in our country, there is an increasing demand for top-quality legal professionals, which has also put forward new requirements for legal education in our country. At present, there are still some problems in legal education in our country, which are mainly reflected in the incompatibility between the legal education and jobs undertaken by law graduates, the failure to carry out the thought of legal professionalism, the lack of characteristics in the school-running model and failure to effective carry out practice teaching, thus causing majority of law graduates to be unqualified in respect to practical skill of legal profession (Lu, 2011). In the process of legal professionalism, the legal education reform in our country should mainly focus on three aspects, namely, legal theory, professional ethics and vocational skills. Among them, the law theory mainly refers to basic knowledge of law specialty delivered to students. As a highly specialized and practical subject, theoretical education of law specialty is an important foundation for the development of legal education. In addition, compared with other occupations, legal profession has certain particularities, as it has extremely high requirements for legal professionals’ sense of responsibility, sense of justice and sense of mission. The professional ethics education is conducted so as to effectively enhance the impartiality of legal profession, and highlight the authority of law. Vocational skills refer to the abilities of students to solve practical problems through the legal knowledge they learned. Most of the problems they will confront with in practical work are highly complex and difficult to solve through simple law clauses, which has higher requirements for students’ thinking ability and logical analytical ability (Wang and Yue, 2011).

2. LEGAL PROFESSIONALISM IS AN IMPORTANT FOUNDATION FOR THE COMPREHENSIVE ADVANCEMENT OF RULE OF LAW

The legal professionalism mainly refers to the ability and characteristics that must be possessed by professionals engaged in the legal field. The main features are as follows:

First of all, legal professionalism has the characteristics of integration and homogeneity. Integration mainly refers different kinds of legal jobs in different positions are essentially the same in nature. If it is reflected in legal education, it refers to the same cultivation orientation for legal professionals through education under the same education model and vocational training model to develop legal professionals with same professional ability and similar values and modes of thinking; homosexuality involves in main knowledge structure of the legal profession and impartiality pursuit of the legal profession (Liu and Han, 2011).

Second, the final result of legal professionalism must be the independent development of the specialized legal institutions. The independent development of specialized legal institutions does not mean that legal institutions should be governed by society. Instead, the institutions such as courts, organizations for lawyers and regulatory bodies should have a high degree of autonomy in administration. Judicial work should be carried out independently without influence of any external factors while lawyers should exert their professional capabilities to seek legitimate interests for clients (Xia and Wen, 2015).

Finally, the development of legal professionalism will inevitably bring about the development of legal ethics. Different from other professions, legal profession has certain ethical characteristics. It pursues not just interests, but fairness and justice. Professionals engaged in the legal profession will inevitably take fairness and justice as their own highest pursuit, which is also the essential difference between the legal profession and other occupations. For different specific jobs, there is a certain difference in justice. For example, lawyers seek justice for clients, prosecutors seek national interest as justice, and judges, as arbitrators, should be the embodiment of justice (Chen, 2010).
3. BASIC IDEAS OF LEGAL EDUCATION REFORM

3.1 Reconstruction of legal education goal

The existing legal education goal is mainly established based on the traditional legal system. In the process of legal professionalism, the traditional legal education goal has already become inapplicable. Therefore, it is necessary to reconstruct the traditional legal education goal. Its general objective should refer to cultivate high-quality legal professionals with profound professional knowledge, excellent professional ethics and professional ability. The vocational training goal should refer to cultivate students to become qualified legal professionals, such as lawyers, jurists, law professors, prosecutors, and judges, so as to produce more highly qualified personnel in the development of legal professionalism. In addition, according to the basic demand of students, law-related workers should be developed to work for administrative organs, enterprises and public institutions so as to effectively promote the healthy and sustainable development of China’s economic system (Dong and Song, 2012).

3.2 Reform of legal teaching mode

In the process of legal professionalism, it is necessary to construct a multi-subject legal education system, that is, it should attach importance to promoting the development of professional legal education to form the higher education system of law with the coordinated development of professional legal education, bachelor education and master education of law specialty. In addition, due to wide range, and a large number of contents of law profession, higher education of law can only provide students with basic legal knowledge. With the development of society, the law system has become more perfect, it is unrealistic and impossible to produce high-quality legal professionals with rich experience and humanistic quality through a few years of legal education (Zhang, 2013). Therefore, in the process of promoting the development of professional legal education and bachelor education of law specialty, there is a need to have a deeper understanding of master education of law specialty. In the master education of law specialty, the existing disadvantages that only theoretical knowledge is provided should be corrected by attaching importance to carrying out practical education. Due to the fact that personnel studying the courses of master education of law specialty are people in older age, they have rich social experience and profound understanding of the law. As a result, they can further study higher legal professional skills. The professional legal education should also train legal professionals based on the cultivation orientation of master of law (Yang and Ping, 2016).

3.3 Implementation of practical teaching

In the cases to be settled by legal professionals, many individual cases are highly complex, making it difficult to solve with simple legal theory. Through legal practice teaching, students can know a variety of legal cases, and learn their solutions and methods to effectively cultivate logical thinking and multivariate analysis capabilities of students, which is of great significance to enhancing students’ ability to solve practical problems. In the legal profession, practice teaching mainly includes the following forms: The first is the classroom practice, that is, in the teaching of theoretic knowledge in the classroom, preliminary legal practice activities are conducted through case studies, learning business procedures, etc. Classroom practice is an important foundation for legal practice education. The second is the simulated practice teaching through methods of mock court, simulated case, simulated arbitration (Cui, 2014). In the simulated practice teaching organized by teachers, cases and situations should be arranged reasonably based on the current legal education schedule to effectively improve students’ ability to understand and apply the legal knowledge. The third is judicial practice, that is, social practice activities are conducted through popularization and propaganda of legal knowledge, paying a visit to judicial workers, etc., so that students can effectively increase knowledge and have a new understanding of legal knowledge through application of legal knowledge in real life. The fourth is practical training in law firm. Under the leadership of teachers, students visit law firms that have cooperative relationship with schools, understand the various workflows and organizational structures, help staff handle and analyze tasks by using their own legal knowledge to intuitively reflect shortcomings of their own thinking ability and professional knowledge through application of professional knowledge in actual cases in order to effectively improve their learning competence of legal knowledge through suitable study method (He and Peng, 2014).

3.4 Construction of open legal education mode

A prominent feature of legal education is its poor self-sufficiency. Many of its theoretical knowledge is selected and integrated from other subjects, such as psychology, political science and ethics. Therefore, to a certain extent,
the extensive study of the knowledge of other subjects can play an important role in promoting the legal knowledge. In view of it, in the teaching of legal education, teaching of knowledge of legal specialty should be appreciated; courses of related subject should also be learned, so as to effectively improve the humanistic literacy and professional level of students (Sun and Liang, 2014).

3.5 Specialized course setting of legal education

3.5.1 Combination with local characteristics

At present, legal professionals have generally confronted with the problems of low employment rate and employment difficulties. The main reasons include two aspects. On the one hand, legal education in our country focuses more on the cultivation of theory type talents and less on the practical teaching, causing majority of students to have strong professional knowledge of legal education, but have poor ability to use legal knowledge to solve practical problems. The professional competency for majority of the students in law schools has far below the requirements of the legal profession. On the other hand, the common problem for contemporary college graduates is unrealistic. For example, they tend to apply for importance posts rather than fundamental jobs in job hunting, causing the phenomena that a hot position is applied by many job applicants while an unpopular position is difficult to be filled. In response to this problem, career planning education should be carried out among law students to help them adjust employment concept and attitude, so as to encourage them to work at a grassroots level, and guide students to gradually accumulate work ability in gross root legal work, so as to improve their competitiveness to win better legal work opportunity (Wu, 2015).

3.5.2 Optimization of order of courses

With the continuous development of our legal profession, a complete set of legal education system has been established, which is mainly reflected in the order of courses, namely, Legal Theory, Public Law, Domestic Law, Common Law and Procedural Law, and then Applicable Law, Private Law, International Law, Special Law, Procedural Law. This teaching mode is scientific and systematic, but there are still some shortcomings in the actual teaching, which is mainly reflected in the teaching mode of jurisprudence. As an important foundation of legal education, Jurisprudence has irreplaceable guiding significance for all kinds of laws. It is also a compulsory subject for law students of law schools and departments. However, most concepts in jurisprudence are obscure and difficult to understand. Students without basic legal knowledge have great difficulties in learning jurisprudence, causing a fear response and weary feeling and the decline of teaching quality in legal education (Dong and Wei, 2015). After studying other types of law courses, many concepts of jurisprudence can be learned easily. Therefore, in order to formulate the learning course of jurisprudence, progressive principle from simple to difficult, concrete to abstract should be observed, and traditional curriculum model should be adjusted accordingly. Jurisprudence course should be learned after a certain period of starting to learn other law courses, this schedule conforms to the basic learning laws of law students. At the same time, various problems that arise in law education should also be actively handled with feasible countermeasures so as to continuously improve the education level of legal education and provide sustainable highly qualified personnel for the development of China’s legal professionalism (Wang and Li, 2015).

REFERENCES


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