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诊所教育 (体验式教育) 在

中国法学教育中的地位和作用

On the Role and Significance of Clinical (Experiential) Education in Chinese Legal Education

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● 内 容

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- ✓ 第二部分——中国现有的几种体验式教学方法的对比
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- 第一部分——中国传统教学模式存在的问题

主要存在三方面的问题：

- ✓ 一、法学教育与法律职业脱节
- ✓ 二、教学方式落后
- ✓ 三、象牙塔式教育

Part I: The Problems with the Traditional Teaching Methodology in China

In three aspects:

1. Gap between legal education and legal profession
2. Outmoded teaching methodology
3. “Ivory-Tower” Education

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● 法学教育与法律职业脱节 (1)

Gap between legal education and legal profession

中国政法大学法学专业本科培养计划 The Undergraduate Program for Law Majors in CUPL	
培养目标 Objectives	具有较坚实的法学理论基础，系统地掌握法学知识和法律规定，了解国内外法学理论发展及国内立法信息，并能用一门外语阅读专业书刊； A solid foundation of legal theories, a good mastery of the science of law and laws and regulations, a general acquaintance with the development of legal theories at home and abroad as well as legislation in China, capability in reading professional books and periodicals in the legal field in a foreign language
培养要求 Requirements	1.掌握法学的基本理论、知识；2.熟悉法律、法规； 3.具有法律执法的基本能力； 4.掌握法学研究方法 5.身体健康； 6.掌握一门外国语。 1. A good mastery of general principles and knowledge in the science of law;

	2. A general acquaintance with laws and regulations; 3. Necessary capabilities and skills to enforce laws; 4. A good mastery of research methods in the science of law; 5. Sound physical conditions; 6. Mastery of a foreign language
学制 Program duration	学制 4 年 Four years
学分要求 Credits	总学分为 160。其中： 课堂教学学分：145 学分；实践教学学分：15 学分 Total credits: 160 Credits for in-class teaching: 145; Credits for practice program: 15
社会实践与专业 实习 Fieldwork and Professional Practice	社会实践共 4 周，安排在第五学期期末； 专业实习共 10 周，安排在第七学期。 Fieldwork: four weeks, at the end of the fifth semester; Professional practice: ten weeks, in the seventh semester

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中国政法大学法学民商法专业研究生培养计划

The Postgraduate Program for Civil and Commercial Law Majors in CUPL

培养目标 Objectives	1. 具有较高的思想品质； 2. 能够系统掌握民法与商法的体系与核心，具有研究能力； 3. 至少掌握一门外语作为工具； 4. 具有扎实的理论功底，能够理论联系实际，为司法实践部门输送骨干力量。
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	1. Desirable moral ethics; 2. A good mastery of the system and core of the civil law and commercial law and acquisition of necessary research capabilities; 3. Mastery of at least one foreign language; 4. A solid foundation of theories, being able to apply theories to practice; besides, nurturing mainstay talent for judicial departments is also an important objective.
学制 Program Duration	学制 3 年 Three years
学分要求 Credits	共计 36 个学分，全部为课堂学习。 36 in total for in-class learning
社会实践与专业 实习 Fieldwork and Professional Practice	共 36 学时，不计学分 36 teaching hours in total; no credit granted

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主要用人单位招聘要求

Employment Requirements of Major Employers

单位 Employer	德恒律师事 务所 Dengheng Law Firm	北京市第一 中级人民法院 The First Intermediate People's Court of Beijing	北京人民检 察院第一分 院 The First Branch of the People's Procuratorate of Beijing	北京市西城 区人民法院 The People's Court of Xicheng District, Beijing	公安部 The Ministry of Public Security	北京市公安局 The Public Security Bureau of Beijing
用人要求 Employment Requirements	1. 已取得律 师执业证。	1. 法学专业 硕士以上学	1. 中共党员或 共青团员	1. 法学专业本 科以上学历。	1. 硕士以上学 历。	1. 通过国家英语四 级考试。

<p>2.两年以上 公司法律顾 问和诉讼法 律事务工作 经验,年龄在 25周岁到35 周岁之间。 3.勤勉、敬 业、诚信,有 团队合作精 神。具有独立 处理专业法 律事务的能 力。 1. Having obtained the lawyer license; 2. Have two years' experience or more in legal counseling in an enterprise or litigation; 3. Diligent, dedicated, honest, with a team spirit</p>	<p>历。 2.通过国家 司法考试。 3.通过北京 市公务员考 试。 4 3.具有实践 工作经验和 独立处理法 律事务的能 力 1. Having received a master degree or above in the science of law; 2. Having passed the national judicial examination; 3. Having passed the examination of Beijing; 4. Having accumulated practical experience and being of Beijing;</p>	<p>2.硕士研究生 法学专业 3.须通过国家 司法考试 4.通过北京市 公务员考 试 5.具有实践工 作经验和独 立处理法律 事务的能力 6.身体健康 1. Being a member of the Chinese Communist Party or the Youth League; 2. Having obtained a degree in the science of law; 3. Having passed the judicial examination; 4. Having passed the civil servant examination of Beijing;</p>	<p>2.通过北京市 公务员考试。 3.具有实践工 作经验和独立 处理法律事务 的能力 1. Having obtained a bachelor degree or above in the science of law; 2. Having passed the civil servant examination of Beijing; 3. Having accumulated practical experience and being able to handle legal affairs;</p>	<p>2.有两年以上 法律实务工作 经验。 3.身体健康。 1. Having achieved the postgraduate educational level or above; 2. In sound conditions; 3. Being able to work with a team and independently handle legal affairs; 3. In sound physical conditions.</p>	<p>2.有两年以上 法律实务工作 经验。 3.身体健康。 1. Having achieved the postgraduate educational level or above; 2. In sound conditions; 3. Being able to work with a team and independently handle legal affairs; 3. In sound physical conditions.</p>	<p>2.身体健康。 3.团队合作能力和 独立处理纠纷事 务的能力 1. Having passed the National College English Test Band IV; 2. In sound physical conditions; 3. Being able to work with a team and independently handle disputes.</p>
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	and also able to being able to practice handle independently affairs.	5. Having accumulated practical experience and being able to independently handle legal affairs; 6. In sound physical conditions.			
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- 法学教育与法律职业需求对照表：
- A Comparison between Legal Education and Employment Requirements for Legal Professionals

	法律院校培养方案 Program of Law Schools	法律职业需求 Employment Requirements for Legal Professionals
法律实务的处理经验 Experience in legal practice	没有完善的培养计划 No well-designed program	对毕业生有要求 Required
独立处理法律事务的能力 Ability to independently handle legal affairs	没有相关能力的培养 No related program	对毕业生有需求 Required
团队合作能力 Team spirit	没有相关能力的培养 No related program	对毕业生有需求 Required
经济学和社会知识的了解 General knowledge of economics and social affairs	不重视，没有相关课程 Deemed unimportant; no related courses	对毕业生有需求 Required
外语 Foreign language	较为重视 Deemed important	对毕业生有需求 Required
法学基础理论 Fundamental principles in	重视 Deemed very important	对毕业生有要求 Required



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● 二、教学方式落后 (1)

我国是实行成文法的国家，法学教育以教授法学理论和解释法律条文为主。

II. Outmoded Teaching Methodology (i)

China is a civil law country. In legal education, priority is given to legal theories and interpretation of statutes.

主要法学院校考试课、考察课比例表

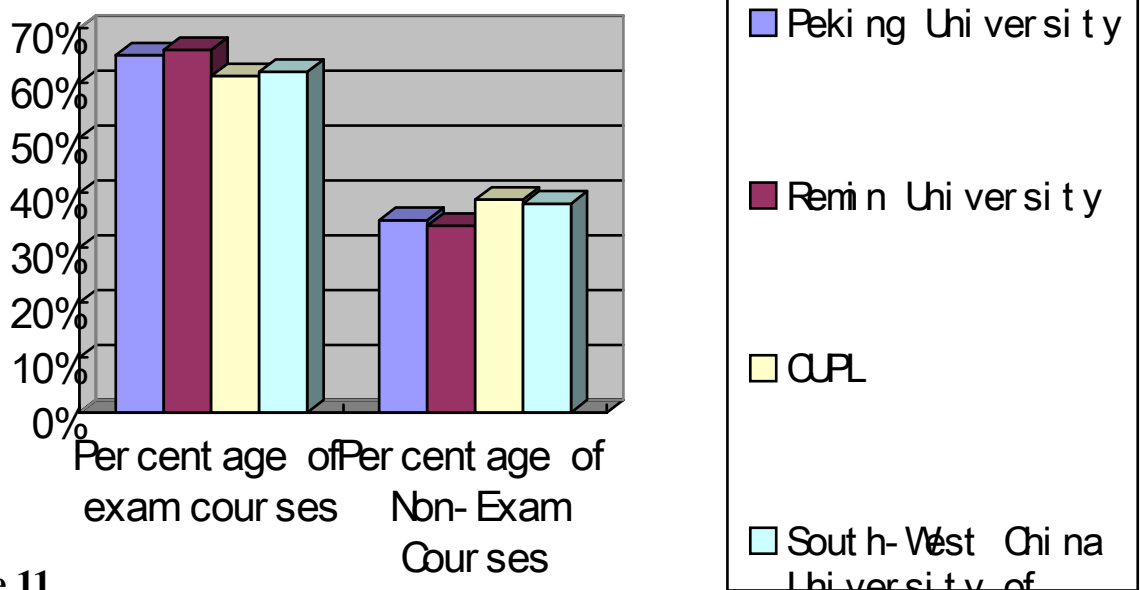
A comparison between exam courses and non-exam courses in prestigious law schools

学校	考试课比例	考察课比例
Universities	Percentage of exam courses	Percentage of Non-Exam Courses
北京大学 Peking University	65%	35%
人民大学 Remin University	66%	34%
中国政法大学 China University of Political Science and Law (CUPL)	61.25%	38.75%
西南政法大学 South-West China University of Political Science and	62%	38%

Law		
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- 主要法学院校考试课、考察课比例(图示)
- The proportion between the exam courses and non-exam courses in prestigious law schools (See the chart)



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- 完成培养计划所规定学分

Obtained prescribed credits in fulfillment of the program

毕业论文合格

Graduation paper meeting the requirements

本科即可毕业

Approved to graduate from

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- 三、象牙塔式教育(1)

脱离社会

两耳不闻窗外事

闭门只读圣贤书

III. “Ivory-Tower” Education (i)

To ignore reality outside the campus

To busy oneself in the classics and ignore what is going on beyond one’s immediate surroundings

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- 真实故事
- True Stories

江苏汇天元律师事务所主任曹和平：“如今，本科毕业生从事律师工作确实存在很多困难。

由于现在的本科教育属“理论教学”，培养的都属“理论家”型的学生，动手能力、职业道德和团队精神都较差。我所带过的律师助理在起步阶段都要手把手地教才能勉强适应工作。”

——《江苏日报》

Quote Heping CAO, director of Jiangsu Huitianyuan Law Firm, as saying: “Nowadays, undergraduates face many difficulties when they start their career as lawyers. The reason is that the present undergraduate program focuses on “theory teaching”, the result of which is that “theorist” students are poor in handling practical problems, with a weak sense of legal ethics and teamwork. My assistants could hardly adapt themselves to lawyering without my guidance at the beginning.”

From *Jiangsu Daily*

就拿我们法学院来说吧，在我的记忆中，从没有上过小课，全是一百多号人（其中竟然还包括双学位的）挤在一起上大课，我们美其名曰，听“学术讲座”。这样的上课方式能够培养出好的人才吗？大学四年我没有独立完成过一份司法文书，没有处理过真实的案件，没有见过真正的当事人。我真能适应将来的工作吗？

——法学本科生 BLOG

Take our law school as an example, I cannot recall a single small-group class. A classroom is always filled with more than one hundred students (including those pursuing a second degree). We call it “academic lecture”. However, can real talent be possibly produced by such a teaching method? I have never completed a single judicial form on my own in my 4-year university life,

nor have I ever handled a real case or met a real client. Can I handle my future job?

From the blog by a law undergraduate

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- 中国传统教学模式存在的问题
- (问卷调查结果)

The problems with the traditional teaching methodology in China
(Results of questionnaire)

1995 年北京大学法律系关于法学教育的问卷调查和访谈。普遍认为：

- 1、法律教育只能起一个入门的作用，真正应用法律，主要靠在学习实践；
- 2、中国的法律教育应更加务实。缺乏一些实务性课程。比如计算机，法律公文写作，模拟法庭等；
- 3、法学院毕业的学习缺乏经济学常识和社会知识的了解

The following results are based on the questionnaire and interview concerning legal education conducted by the Law Department of Peking University in 1995:

1. Legal education only helps guide students to the legal field. Application of law in a real sense is always a result of practice.
2. The Chinese legal education should be more practice-oriented. The present curriculum should include some practical courses, for example, legal writing, moot court and etc.
3. Law graduates usually fail to acquire the general knowledge of economics and social affairs.

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- 第二部分，中国现有的几种体验式教学方法的对比
- Part II. A Comparison among the Existent Experiential Teaching Methods in China

一、诊所教育与案例教学的对比

I. A comparison between clinical education and case-based teaching

	案例教学法	诊所教育
	Case-Based Teaching	Clinical Education

教学地点 Teaching Venue	大学课堂 Classrooms universities	可校内，可校外 in On or off the campus
讨论案件 Cases	已经发生的，通常有结论的 Those which have taken place, usually with conclusions available	真实案件，事实进展的不确定性 Real cases with uncertainties
学生角色 Students' Role	被动的，接受的 Passive and receiving	主动的，主导的 Active and initiating
教学内容 Teaching Contents	通过判例研讨，提高理论分析能力及一定的法律技能训练 To enhance the capabilities in theoretical analysis and conducting some training in legal skills by case study	全方位： 法律技能的传授； 处理应对事实能力； 沟通交流能力； 职业责任心 All-round: To enhance legal skills; To enhance the abilities in handling facts; To enhance communicative skills; To boost professionalism.
伦理道德责任（社会责任） Moral Responsibility (Social Responsibility)	较少 Little	案件来源多是来自需要法律援助的群体，担负较强的伦理道德教育作用 Most cases involve vulnerable group in need of legal aid, which is significant in terms of teaching moral ethics.

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● 二、诊所教育与实习比较

II. A comparison between clinical education and fieldwork

	实习 Fieldwork	诊所教育 Clinical Education
指导教师 Supervisor	实践经验丰富，理论分析能力稍欠缺 Having rich practical experience, but with moderate capabilities in theoretical analysis;	丰富教学经验和理论知识，精通律师业务 Having rich teaching experience and theoretical knowledge, and being adept at lawyering;
学生角色 Students' Role	跟随，协助：非主角； Follower and assistant, not playing a major role;	教师指导下独立办案：主角； Independently handling cases under the guidance of supervisors, major role;
对案件结果的影响 Impact on the outcome of a case	影响小 Little impact;	影响非常大 Great impact;
学校对效果的评价 University's Assessment of the Effects	难以掌握效果 Hard to know the effects	及时指导，了解效果 Providing in-time guidance, and easy to know the effects;
伦理道德责任（社会责任） Moral Responsibility (Social Responsibility)	无法律援助性质，较少 Not legal aid, little	担负较强的伦理道德教育作用 significant in terms of teaching moral responsibility

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● 结论

- ❖ 国内的法学教育中虽早有实践性较强的案例教学法，实习等，但因其存在的缺陷不能完全满足法律职业的需要。而这些缺陷正是诊所教育的特点和优势。

因此，诊所教育在中国发展也成必然趋势。

Conclusion

Case-based teaching and fieldwork were not born recently. Instead they have a comparatively long history in legal education in China. However, they are unable to meet the requirements of legal profession due to their defects which, however, become the characteristic opportunities and advantages of clinical education. Therefore, clinical education is bound to flourish in China.

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- **第三部分，诊所教育在中国法学教育中的地位**
- **Part III. The Role of Clinical Education in the Chinese Legal Education**

传统法学教育的必要补充

——原因：

An indispensable supplement to the traditional legal education

Reasons:

1、中国是一个成文法国家。在法学教育中，学生主要通过学习法条来掌握法律专业的知识，不可能抛开法律条文来学习法律。

2、我国的法学形态是以理论为主的。注重对法律的注释，由此形成源远流长的以法条为中心的概念法学与注释法学。这种法学形态也必然会对法学教育方法产生重大影响。

3、大陆法崇尚理性主义，采用演绎推理，从法律的一般原则到个案的具体事实。在学习法律时，可以将法律原则与事实分开，在没有具体事实的环境下学习法律理论知识。

1. China is a civil law country. In legal education, students master legal knowledge by studying statutes. It is impossible for them to study law without laying emphasis on statutes.
2. The theory-based conception is prevailing in the legal field in China. Emphasis is laid on legal interpretation, a result of which is deep-rooted conceptualist jurisprudence and glossators centering on statutes. Such a typology of the science of law surely exerts significant impacts on the methodology of legal education.
3. The civil law upholds rationalism, employing deduction from general principles to individual

cases. Therefore, it is not impossible to separate law principles from facts, and students may learn theories in absence of specific facts.

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- “诊所教育是法学教育的有益补充”

从总体上来看，诊所法律教学在我国还处于起步阶段，诊所法律教育还是个新事物，我们现在最好不要赋予它太多的价值承担，那样的话，反而让它背负沉重的使命，不利于它的成长。诊所教育好比还是一颗小草，必须等到它枝繁叶茂时，才能用它来遮风挡雨。

我倾向于这样定位诊所法律教育：它是现阶段法学教育的有益补充。现在的关键在于把诊所法律教育做实，让大家慢慢看到它的实效，让大家心甘情愿地去接受它。

——中国法学会法学教育研究会

诊所法律教育专业委员会主任

“Clinical education is a beneficial supplement to legal education.”

Generally speaking, clinical legal education is still in its infancy in China. It is new to us, so we'd better not burden it with too much value. Otherwise, it will be overloaded and cannot grow well. Clinical education, like a small sapling, cannot resist bad weather until it grows into a big tree.

I would rather take clinical legal education as a beneficial supplement to the present legal education. Priority should be given to careful and arduous implementation of clinical legal education. We have to be patient enough to let others see its effects and thus willingly accept it

---- Director of the Committee of Chinese Clinical Legal Educators,
Legal Education Association, China Law Society

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- 第四部分 诊所教育在中国法学教育中的作用
- Part IV The Significance of Clinical Education in Chinese Legal Education

体现三个方面：

一、完善中国教育模式的最佳路径

二、提高学生综合素质及就业竞争力的重要途径

三、促进中国社会法制更加公平的必要补充

In three aspects:

1. The best way to improve the teaching methodology in China;
2. An important way to improve students' all-round qualities and competitiveness in the job market;
3. An indispensable supplement to promote fairness of the Chinese legal system.

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- 增强了课程设计的实务性
- Having enhanced practicability of curriculum design

诊所课程设计与传统课程设计的区别：

Differences between the clinical curriculum design and the traditional curriculum design

	传统课程设计 Traditional Curriculum Design	诊所课程设计 Clinical Curriculum Design
学生在教学中的地位 Students' Role in Teaching Activities	教师是课堂的主人 Teachers play a principal role in class.	学生是课堂的主人 Students play a principal role in class.
教学材料 Teaching Materials	法律著作、法律文本 Legal works and legal texts.	使用真实的案件材料 Materials based on real cases
授课方式 Teaching Method	被动性 Passive	主动性强，准律师教师 Active, quasi-lawyer teachers
培养的思维方式 Targeted Reasoning Style	法官式思维 Judges' reasoning style	律师、法律专家式思维 Lawyers' or legal experts' reasoning style

评估方法 Assessment	成绩 Academic achievement	所承办的案件的成与败、得 与失 The outcomes of cases
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- 教材创新
- Innovation in Teaching Materials
 - 诊所教材与中国原有教材内容的对比
 - A comparison between the materials for clinical education and the previous teaching materials in China

原有教材 Previous Teaching Materials	诊所教材 Materials for Clinical Education
法的基本原则； 价值； 法律关系； 主体、客体； 权利义务； 法律责任； 具体制度； General Principles of Law; Values; Legal Relations; Subject and Object; Rights and Obligations; Legal Responsibilities; Specific Schemes	会见当事人的理论和技巧； 谈判的理论和技巧； 调解的理论和技巧； 诉讼（法庭辩护）的理论和技巧； Theories and skills concerning interview; Theories and skills concerning negotiation Theories and skills concerning mediation; Theories and skills concerning litigation (court advocacy)

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- 中方诊所教材与印方诊所教材的对比
- A comparison between the materials for clinical education in China and in India

中国诊所教材 Materials for Clinical Education in China	印度诊所教材 Materials for Clinical Education in India
<p>中方教材的重要内容——“诊所式法律教育的教学方法”，印方教材所缺失的。</p> <p>此部分包含以下几部分内容：</p> <p>角色模拟教学法；</p> <p>单独指导教学法；</p> <p>合作学习教学法；</p> <p>反馈式教学法；</p> <p>评价式教学法；</p> <p>阅读式教学法；</p> <p>The key parts of the materials used in China – “the teaching methods in clinical legal education” are absent in the materials used in India</p> <p>The said parts include:</p> <p>Role play;</p> <p>Individual guidance;</p> <p>Cooperative learning;</p> <p>Feedback;</p> <p>Assessment;</p> <p>Reading.</p>	<p>作为印方教材重要内容的评价部分，即“对学生诊所行为的评价”和“在真实当事人的法律诊所里评价学生”是中方教材所没有的。</p> <p>The key parts in the materials used in India include assessment, that is, “assessment of students’ activities in clinics” and “assessment of students’ activities in real-client clinics, which are absent in the materials used in China.</p>

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- 评价体系

● Assessment System

	原有评价体系 Previous Assessment System	现有评价体系 Present Assessment System
评价指标 1 Assessment Index 1	考试成绩 (唯一的评价指标) Examination scores (the only assessment index)	1. 学生自我评价 ; 2. 客户评价 ; 3. 学生办案小组内互评 ; 4. 老师评价。 1. Self-assessment by students; 2. Clients' assessment; 3. In-group assessment 4. Teachers' assessment
评价是否是持续性的 Continuity of Assessment	较为单一 , 主要依据考试成绩 Single way of assessment, mainly relying on examination scores	是持续性的。贯穿于整个诊所教学活动 , 诊所学生学习的每一个过程 , 包括行动计划的制定 , 行动过程 , 及行动后的反思 , 都会运用。 Continual; throughout all teaching activities; applied to every learning process of clinic students, including formulation and execution of action plans as well as reflection on actions
是否是互动性的 Interactivity of Assessment	非互动的。老师对学生的评价 Non-interactive; teachers assessing students	互动性。包括 : 教师对学生的评价 , 学生的自我评价 , 学生之间的评价 , 学生对教师的评价 , 外界对学生的评价等 Interactive; including teachers' assessment of students; self-assessment by students; peer assessment among students; students' assessment of teachers; others' assessment of students and etc.
评价方式 Assessment Methods	方式单一 , 主要为考试 Single method, mainly in the form of examination	方式多样化。通过笔试 , 通过写文章 , 案件报告 , 课堂表现 , 案件处理中的

		表现等。 Diversified methods, including written exam, paper writing, case report, class performance, performance in case handling and etc.
测试能力 Abilities to Be Tested	记忆能力 Memory	分析能力、推理能力 Analysis and reasoning

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- 二、是提高学生综合素质及就业竞争力的重要途径(1)
- II. An important way to improve students' all-round qualities and competitiveness in the job market (1);

.提高学生的综合素质

Improving students' all-round qualities

传统教学模式下学生的素质与

诊所教育模式下学生素质的对比

A comparison between the qualities of students under traditional teaching and those under clinical teaching

传统教育模式

1. 法律的基本原则、概念、原理的掌握。
2. 法律、法规的熟悉和掌握。

Traditional teaching

1. A good mastery of the general principles, concepts and theories of law;
2. A general acquaintance and mastery of laws and regulations.

诊所教育模式

1. 实践动手能力。传授和培训法律实践的基本技能，增进学生处理法律实务的能力。

2. 提供学生代理当事人的机会，提高学生的责任心。□
3. 培养和促进学生自我学习，自我提高的能力，使学生在毕业以后能通过自我学习达到更高的专业水平。□
4. 提高学生的法学理论水平，促进对法律制度的综合理解。□
5. 自我发现能力。帮助学生考虑和选择将要从事的有意义的职业。□
6. 强调参与公共服务的意义，这种公共服务是从事法律专业人士满足感和成就感的一部分。□

Clinical Teaching

1. Enhancing students' ability to handle practical affairs, imparting and training the basic skills in legal practice and strengthening student's ability to handle legal affairs;
2. Providing students with opportunities to represent clients and strengthening students' sense of responsibility;
3. Developing and improving students' ability of self-teaching and personal development so as to enable students to a higher standard of lawyering skills through self-teaching;
4. Enhancing students' ability to discover new things, helping students reflect on and select significant careers which they will engage in;
5. Highlighting the significance of participating in public service which contributes to the sense of fulfillment and success of legal professionals.

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- 中国政法大学法律诊所选课情况 (2007年秋季)
- Course Selection and Clinic Learning in CUPL (Fall Semester in 2007)
-

	选课人数 Number of Students Who Selected Courses	诊所接收学生人数 Number of Clinic Students
环境法诊所 Environment Law Clinic	30	16
知识产权诊所	96	32

Intellectual Property Right (IPR) Clinic		
法学院诊所 Law School Clinic	350	123
劳动法诊所 Labor Law Clinic	110	48
总计 Total	586	219

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- 学生感悟
- Student's Reflections

通过几个月的认真学习,在老师的辛勤辅导下,结合我们已掌握的现有法律知识,从如何接待当事人,询问当事人,分析案情,解决案情,起草文书,上庭应诉,一直到律师职业道德的培养,方方面面都得到了锻炼。该课程教育涉及了日常生活中我们可能面临的许多问题,教会了我们许多解决问题的方法,让我对这门课程越来越感兴趣。每节课的讨论,案例分析,促使我们积极动脑,把自己的观点与既判的判决书的观点相提并论。在课堂上,我们自己学法官,学律师.....都让我们身临其境。同时,诊所也为我们提供了各种各样的社会实践的机会,大大提高了我们学习法律的兴趣。这是从任何书本上无法学到的,也是难得的。

I, under the patient guidance of my teachers, have studied hard in the past few months. I have improved various abilities including receiving clients, interviewing clients, analyzing cases, resolving cases, writing legal documents, representing clients in court and fostering lawyering ethics by connecting my clinic learning with my existent legal knowledge. This course touches upon many problems we may encounter in our daily life and teaches us how to solve those problems. We have developed a keen interest in it. Our discussion and case analysis in every class has never failed to push us to voice our own views and to compare them with judgments. By playing the roles of judges, lawyers and others, we felt we were in a real situation. Clinic teaching offers us a variety of opportunities of practice which cannot be obtained from textbooks, and has greatly boosted our interest in law.

在所属的污染受害者法律援助中心,更为我们提供了一个实践平台.在这里,每个诊所学员都有很多机会去接待当事人,并在老师的指导下办案……,现在还没忘记接待每个当事人时的心情.,通过多次的实践,我们已能自然地接待各种当事人和应付各种场面。这种基本功将使我们终身受益,同时也更坚定地树立了用法律帮助他人的信心。

The legal aid center for polluted victims serves a platform for us to practice law. In our clinic, every student is given many opportunities to meet clients and represent them with teachers' help. My feelings when I met every client still remain fresh in my mind. Having engaged in legal practice on several occasions, we are now able to meet our clients and handle various situations with ease and confidence. Such skills are of great help for our whole life and have built our confidence to help others through law.

王榕嵘

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Rongrong WANG

From Class 2002-1, Civil Commercial and Economic
Law School, CUPL

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- 二、是提高学生综合素质及就业竞争力的重要途径(2)
- II. An important way to improve students' all-round qualities and competitiveness in the job market (2);

学生就业竞争力

Students' competitiveness in the job market

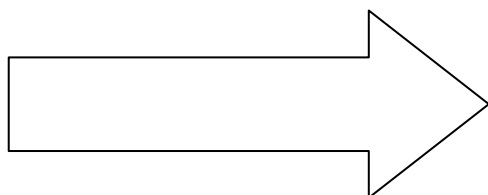
诊所教育模式下的学生素质

1. 实践动手能力, 传授和培训法律实践的基本技能, 增进学生处理法律实务的能力。
2. 提高学生的责任心, 团队合作能力。□
3. 培养和促进学生自我学习, 自我提高的能力。
4. 提高学生的法学理论水平, 促进对法律制度的综合理解。□

5. 强调参与公共服务的意义，为社会提供法律援助。□

Students' qualities cultivated by clinical teaching

1. Enhancing students' ability to handle practical affairs, imparting and training the basic skills in legal practice and strengthening student's ability to handle legal affairs;
2. Developing students' sense of responsibility and enhancing student's team spirit;
3. Developing and improving students' ability of self-teaching and personal advance;
4. Facilitating students' comprehensive understanding of legal theories and the legal system;
5. Highlighting the significance of participating in public service and encouraging students to offer legal aid.



法律职业需求 Requirements of Legal Profession
法律实务的经验 Experience in legal practice
独立处理法律事务的能力 Ability to independently handling legal affairs;
团队合作能力 Team spirit;
经济学和社会知识的了解 General acquaintance with economics and social affairs

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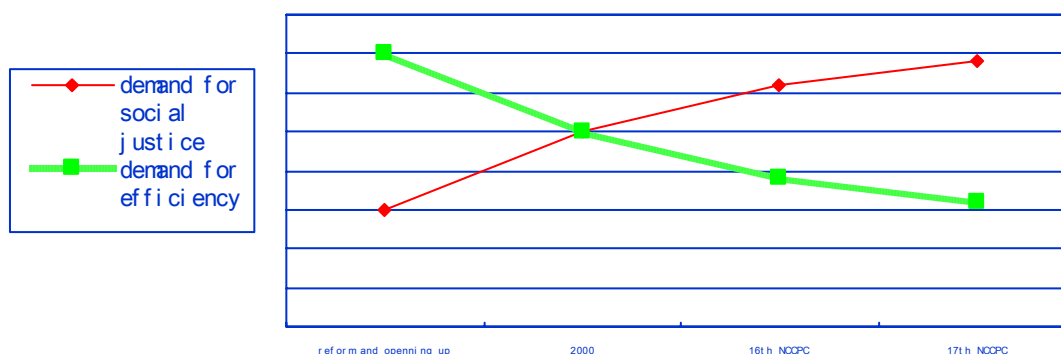
- 三、是促进中国社会法制更加公平的必要补充
- III. An indispensable supplement to promote fairness of the Chinese legal system
-

中国社会已到了更强调社会公平的阶段，社会土壤，而社会公平的实现完全靠国家提供是不现实的。

China has reached a point where more importance is attached to social justice. However, it is impossible to realize social justice by relying on the government.

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- 中国社会发展对社会公平要求的变化图
- The diagram highlighting changes in demand for social justice with the social development



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- 中国法律援助的需求与供给之间的缺口

据司法部统计,2004年我国需要法律援助的案件为70多万件,而得到援助的不到四分之一。

另,全国法律援助机构工作人员总数不到1万人,其中拥有律师资格的仅4000多名。

The gap between the demand for and provision of legal aid in China

The statistics by the Ministry of Justice demonstrates that in 2004, more than 700,000 cases called for legal aid; however, less than 1/4 were offered legal aid; the total number of staff members in legal aid institutions across the country was less than 10,000, among whom only over 4,000 had obtained the lawyer license.

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- 法律诊所提供法律援助的案件数量
- The Number of Cases Where Legal Clinics Offered Legal Aid

	提供帮助的案件数量
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	The Number of Cases Where Legal Aid Was Offered
中国政法大学环境法诊所 The Environment Law Clinic of CUPL	30 多件 (一年) Over 30 (one year)
中国政法大学法学院诊所 The Law School Clinic of CUPL	20 多件 (一年) Over 20 (one year)
中国政法大学劳动法诊所 The Labor Law Clinic of CUPL	20 多件 (一年) Over 20 (one year)
北京大学法律诊所 The Legal Clinic of Peking University	10 多件 (一年) Over 10 (one year)
全国法律诊所提供法律援助 案件数量总计 The number of cases where the legal clinics offered legal aid across the country	共 1800 件左右 (《中国教育报》2005 年统计数据) Around 1,800 (statistics by <i>China Education Daily</i> in 2005)

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第五部分 结 论

- ❖ 诊所教育适应中国法学教育的多方面需求，但还需克服内在的成本过高的瓶颈，才能更快发展

Part V. Conclusion

Clinic education satisfies various demands of the legal education in China. However, more rapid development depends on cracking the bottleneck of high internal costs.