

Clinic legal education in China

——Current situation and its future of China's clinic legal education
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1、Sprout and growth of clinic legal education

1.1、Concept of clinic legal education

The form of clinical legal education originated from the mode of medical college's clinic education. Students in a medical school need to spend more time in clinical practice ,and then learn from the practice diagnosis and treatment of disease. Since this teaching method was introduced to law education, Law School cited the name of "clinic" which gave rise to the specific name in area of the Law: "legal clinic". In a real or virtual "legal clinics", under the guidance of teachers who acquired lawyer qualification or experience, students provide advice for the clients in a difficult situation, "diagnose" their legal problems and write prescriptions, provide them with a solution to the problem and legal services personally. This approach, to learn the skills of legal practitioners from the practice and experience, is similar to the clinical practice of Medicine school.

1.2、The first school offering clinic course in China in 2000

The science of Law is a subject with strong applicability; we can not carry out theoretical study in isolation divorcing from reality. In order to meet the needs of the education reform of legal education in China, inspired by US's form of clinic legal education and supported by the Ford Foundation, Peking University、Tsinghua University、Renmin University of China、Wuhan University、Zhongnan University of Economics and Law 、East China University Of Politics and Law and Fudan University Opened the Clinical Legal Education courses in their legal schools in Sep 2000.Up to 2002 , law schools or department of Law in Sun Yat-sen University 、Northwest College of Political Science and Law、Sichuan University and Yunnan University have opened this course as well.

1.3、The establishment of the Committee of Chinese Clinical Legal Educators

July 28, 2002, approved by the China Law Society, The Committee of Chinese

Clinical Legal Educators (CCCLE) made up of above-mentioned 11 Colleges was set up. This national non-profit academic organization in which clinical legal education workers can participate voluntarily seeks to unite and organize Clinical Legal Education workers, managers and other people of insight, carry out the theoretical and practical research on Clinical Legal Education, develop exchange and cooperation, promote the popularity promotion, prosperity and development of Clinic Legal Education in China.

1.4、 Present situation

By the end of Nov 2008, in addition to the above 11 colleges and universities which continue the clinic legal education courses, about 60 more legal schools or departments of University such as CUPL、 Chinese Academy of Social Sciences Faculty of Law、 Chinese Academy of Social Sciences Faculty of Law、 Nanjing University 、 Zhengzhou University、 Beijing Normal University , etc , have opened clinic legal education course by the support of the Ford Foundation. ; 87 Law schools and Universities joined in CCCLE as unit members ; individual members amount to one hundred.

1.5、 Summary

As the innovation and supplement of the form of traditional legal education in China, Clinic Legal Education has manifested strong vitality and obtained favorable results .It can be said that Clinic Legal education is a major reform of Chinese legal education in new age , and also a successful attempt to the organic integration of foreign advanced teaching model and the current situation of Chinese legal education. It is bound to make a significant impact on the training of senior legal talent in China.

2、 Achievements and development of clinic legal education

- (1) Specialized legal clinics with own features are gradually taking shape
- (2) Promoting communications between domestic and foreign teachers in clinic teaching experiences
- (3) The teaching method
- (4) Clinic's textbooks、 monographs、 translations and collection of theses have be

published in succession

(5) Playing host to and taking part in international and domestic clinic legal education annual conferences and seminar series

(6) The influence of clinic grew by use of online media

(7) Students of clinic harvested quite abundant

(8) Offering legal assistance for disadvantageous group

(9) Promoting the reform and innovation of legal education

(10) Clinic legal education courses have won honors for educational reform of every university

(11) Legal clinic has become a platform for extensive contacts between legal educational circles and substantive sections

(12) Improving the standardization of CCCLE

3、 Clinic teaching modes and methods

(1) Set up a clinic

(2) Select students and teachers

(3) Select appropriate cases

(4) Methods and goals of classroom teaching

(5) Guidance in handling cases

(6) Teaching evaluation and assessment

(4) Methods and goals of classroom teaching

By comparison with traditional legal education, Clinic Legal Education owns the following characteristics in teaching method :

A、 Students are the true masters of the classroom

In the traditional sense, there are no teachers and students in Clinic Legal

Education; everyone is the handler of a particular case. All content of courses are set up focusing on the conversion and improvement of students' identity and skills from a passive listener to a active case work .Usually, we begin first class with a introduction of "Who are you?" What we want to emphasizes most is that there are no so-called teachers, nor so-called students in this classroom. For your clients, you are just the volunteer for legal service of a legal clinic, and the "quasi-lawyer" of the case you undertake. Thanks to the classroom teaching that in close connection with the solution to the legal problems students will face in their cases, students will participate in classroom teaching and learning activities in more active and positive attitude. Divers teaching styles and means to be fully mobilized including the way of interaction,

discussion、 questions、 simulation、 games and so no has became the important means to promote the conversion of identity and improvement of skills of students, and also to study and discuss for clinics.

In this classroom, the usual practice is that teachers set a teaching topic, then students fill in the content through the clinic's teaching style, and finally they collaborate to effectuate the teaching intention and accomplish the instructional objectives. Therefore, even the same content of a lesson can take radically different teaching styles due to the different presiding teachers and participant students. What matters more in classroom is the voice of students, and students can say "no" to teachers. There is no the only correct answer, and everything will change in a dynamic way based on circumstances of the specific case. It greatly aroused the enthusiasm of students, enabled students to truly become the masters of the classroom.

Clinic Legal Education changes the relationship between teachers and students

The relationship in current legal education can be indicated by the following chart :

Teaching by teachers→Learning by students→Using by students

This line relationship, in which any problems of any link will affect the next link, lacks of the link of communication and feedback. Since in a same platform, teaching, learning and using can not connect with each other. In this relationship, teaching, learning and using is laid down in an unstable state, and lacking in energy 。

The relationship in Clinic Legal Education can be indicated by the following chart :

Teaching by teachers → Learning by students
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 Using by students

In this relationship, teachers and students are linked together closely. On one hand, teachers can enrich their teaching plans through the students' feedback of new

questions during the process of learning and using. On the other hand, students free from the shackles of the book knowledge in the process of learning and using so that they can make efforts to think by using the knowledge learned, thus it can bring about students' creative thinking. It makes an organic integration of teaching, learning and using, forms a benign recycling mechanism ,and add fresh nutrients for clinic education continuously. Creative and active thinking brings new energy to legal education, and is also the life of Clinic Legal Education and legal practice education.

B. Use real cases

Clinic Legal Education is grounded on real background materials of cases and real clients. Through students' handling real cases、 participating in the whole process and details of the case handling, under the contact with reality, it promotes students' judgment to legal problems and problem-solving methods and skills , enhances their sense of responsibility and professional ethics to be a competent lawyer, makes students deepen their understanding of legal system, legal knowledge and legal provisions and get hands-on experience of the lawyer's social role.

C. Distinctive teaching methods

In clinic legal education, one course is usually given by two or more teachers.

Teachers use omni-directional, multi-angle, multi-level teaching methods in the classroom to enrich content of courses and carry out the teaching intention and achieve a stereoscopic、 perspective and in-depth effect . The principal methods may be classified into two categories: in the classroom and out of the classroom :

In the classroom : simulated training of acting、 interactive guidance for individual case、 litigation scene training in groups、 Socratic asking and answering、 collective brainstorming in discussion and games in classroom, etc.

Out of the classroom : Students are given the role of “lawyers”, represent the clients, handle real cases and receive tutors' guidance

In clinic education courses, students' self-evaluation gain more importance than teachers' evaluation. They pay more attention to the success and failure 、 the gain or losing of their cases ,clients' feelings to the result of cases, and also their own feelings. Teachers should make students understand that the success and failure of a case is indeed an important indicators to evaluate the teaching effect, but what's important is that whether they really improved themselves at the process of taking cases, whether

they have obtained the ideas, methods, skills and knowledge to resolve problems they want. If they have got them, they would receive great evaluation even they failed in their cases. This evaluation methodology can not be reached in traditional teaching model.

Assessment system for teaching achievements adopted by the legal clinic of Renmin University of China at present :

Students' self - evaluation ;

Clients' evaluation ;

Peer evaluation in case groups ;

Teachers' evaluation

The four parts of evaluation above on which final mark is based together constitute academic record of clinic students who have completed all courses.

4、 Relationship and differences between clinic legal education and traditional legal education

Under our traditional legal education model, teachers teach on the platform while students listen, and there are few discussions between them. Thinking cultivating is ground on known cases or virtual imagine, including moot court or case analysis. What the exams concentrate on more is the test of memory but not the ability of analysis and reasoning. Such a style can hardly develop the ability to think independently and discretion of students so that students may not use law knowledge to solve specific problems with facility when they take up their new posts.

Differences between clinic legal education and traditional legal education:

4.1 The Subject of Education

In clinic legal education, it seems that students themselves are the center of education: they need to personally get cases、 investigate the case details 、 prepare representation or defense、 present themselves in court and end cases, etc. In other words, they should operate the whole process: they need to deal with all problems, iron out all difficulties, and meet all challenges like a lawyer. Teachers offer case-handling skills and give specific guidance only when necessary. Under traditional education, it is teachers not students that are the subject of education. In the ordinary classes, the teachers teach actively while students receive knowledge passively.

4.2. Different locations

Concerning clinic education, there are many locations as classrooms: offices where

students discuss and think over questions, places where students search evidences, even the court where students represent clients. All of them can be viewed as classrooms and most of them are outside the campus.

While concerning traditional legal education, it is mainly in the classrooms in which students study.

4.3. Different content taught

Cases are handled by students themselves, which is the basic mode of clinic law education. So it is a combination of theory and practice and students apply knowledge to practice. In the term of application, both knowledge and skills are essential. In some degree, methods and skills matter more than pure theory. But this doesn't mean that the two conflict with each other. For students can find their short points and make improvements accordingly in the course of application. The application of theory and knowledge is the advantage and value of clinic law education.

With regard to traditional legal education, the content taught focus on theory and contains concept, principle and institution. Teachers use cases to illustrate theory and knowledge. It is different from clinic education where theory is used to instruct cases.

- (1) Clinic students' identity in court
- (2) Funds for the operation of clinics
- (3) Overloaded clinic teachers and their professional title
- (4) Transplanting of clinic education and its development
- (5) Assessment of result of clinic education
- (6) The publicity of clinic education
- (7) Complementation relationship between clinic education and traditional education
- (8) Coordination and cooperation among clinic education, legislation, judicature and other fields
- (9) Research on clinic education and its improvements

Clinic law education was introduced into China in the beginning of this century and it prospers nowadays. Though face with many difficulties, we believe that problems can only be solved in the course of continuous development. With the care and support of Ministry of Education, Ministry of Justice, and other fields, clinic law education can grow up strong and sturdy and it can contribute a lot to legal education reform and our legal construction.