

## Application Research on Clinic-style Legal Education in Colleges and Universities of China

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**Abstract.** In order to cultivate high-quality legal talents, colleges and universities have introduced clinic-based legal education models. However, there are still many difficulties in the application of clinic-based legal education in colleges and universities, which seriously hinders the steady implementation of clinic-style legal education in major universities. To this end, it is necessary to strengthen research on related issues in order to give full play to the value of clinical legal education in the training of legal talents in universities. This work firstly analyzed the advantages of the application of clinic-style legal education, then discussed the dilemma of the application of clinic-based legal education in colleges and universities, and finally, it put forward several feasible solutions to solve these problems.

### 1. Introduction

The clinic-style legal education originated in the United States in the 1970s and is a typical teaching model for the practice of law. In China, clinic-style legal education started late. Seven universities including Peking University and Renmin University of China did not introduce this model until 2000, and officially named it a legal clinic. At present, law clinics are generally opened in major universities in China, but their application effects are not very satisfactory[1]. Therefore, it is of great practical significance to strengthen the application research of clinic-style legal education in colleges and universities.

### 2. Analysis of Clinic-Style Legal Education and Its Application Advantages

The clinic-style legal education is led by qualified lawyers to enable law students to participate in legal clinics, to diagnose legal problems for those who are living in poverty and need legal aid, and to issue corresponding prescriptions. Compared with the traditional legal education model, the clinic-style legal education model has a strong application advantage.

#### 2.1. Linked to practice

The fundamental difference between clinic-style legal education and traditional legal education model is that it successfully introduces the practice into legal education, requiring students to fully apply the theoretical knowledge they have learned in practical cases, and to make students through real and specific legal cases. Fully participate in all aspects of prosecution, trial, the final judgment, etc., understand the deep core of law, deepen professional cognition, and improve self-analysis, problem-solving, practice negotiation, participation in communication and litigation.

#### 2.2. Connecting with the profession

The application of clinic-style legal education has also effectively solved the disconnect between legal professional education and vocational education. Similar to the medical profession, jurisprudence is also very practical. If the legal person does not have a solid practical ability, it is difficult to apply the theory successfully to practice. The application of clinic-style legal education

solves this problem. Using the doctor training model to introduce students into the judicial practice work, it can help to achieve the seamless connection between legal professional education and vocational education, and realize the true landing of legal education. Better face the difficulties of the future career.

### 2.3. Taking students as the main body

Another advantage of clinic-style legal education is that students should be placed in the main position of teaching work, so as to give full play to the subjective initiative of students so that they can link theoretical study with the experience of legal practice, and promote the synthesis of students' ability of analysis, judgment and reasoning.[2] From the perspective of educational evaluation, students' knowledge mastery and application are the main indicators of educational evaluation, and clinic-style legal education undoubtedly provides students with an opportunity to actively participate in legal practice and establish a modern teaching philosophy of student-centered.

## 3. The Analysis of the Dilemma of the Application of Chinese Legal Clinic Education

### 3.1. Student level: the agent and the student's identity contradict each other

In the application process of clinical law education in colleges and universities, the dual identity of students makes the promotion of this model face many obstacles. On the one hand, the current law clearly stipulates the qualifications of the agent, which leads to the limited qualification of the agent of the student, which makes it difficult for the agent case to be effectively carried out in civil proceedings. At present, national laws impose strict restrictions on the qualifications of agents. Except for lawyers, grassroots legal workers, close relatives of their own organizations, and staff members of their own units, ordinary citizens must be recommended by their communities, units or social organizations to act as agents. For college law students, the senior can take the judicial examination. Before the senior year, they can not obtain the qualification of a lawyer or become a grassroots legal worker. It is also difficult to obtain the recommendation of the relevant unit. On the other hand, students are in conflict with the status of students and agents. The students who participate in the clinic-style legal education are all ungraduated students. Most of them do not have experience in practice, and they do not know the occupational risks. Once the agent case must bear the corresponding responsibility, the students can only gradually realize their identity through practice. Professional mission and social responsibility are undoubtedly a huge challenge for college students without experience and experience.

### 3.2. Funding: the lack of funds and the nature of public welfare

Under the clinic-style legal education model, students need to receive legal advice from the parties and represent them in court. This will inevitably require a certain amount of start-up funds, necessary transportation expenses, communication fees, lunch fees, printing fees, and accidental injury insurance. The public nature of the legal clinic determines that it cannot charge legal aid to the legal aid, which leads to the lack of funds for the operation of the legal clinic, and can only rely on the public welfare spirit of the students to provide support. Generally speaking, the starting fee for a case is about 100 yuan, and each student needs 100 yuan of accidental injury insurance a year[4]. In addition, legal clinics need to provide necessary office supplies, hardware facilities, etc. The lack of funds directly leads to the lack of practical opportunities available to students, and it is impossible to ensure that all students can be deeply tempered in clinical legal education. It can be seen that the lack of funds has become an insurmountable gap in the legal education of clinics in major universities.[3]

### 3.3. Teacher level: workload and incentives are not equal

Clinic-style legal education is inseparable from the guidance of professional teachers. At present, the university's clinic instructors are mostly teachers of law school. Because they have to undertake both legal clinic teaching and legal major teaching, this has led to a significant increase in teachers' workload and work pressure. At the same time, the progress of the case is not transferred by the will of the teacher or the student. Therefore, for the instructor, it must be on standby and guided at any time. This leads to the teacher's personal physical time being occupied in a large amount and must

have a sufficient sense of responsibility and dedication. To meet the requirements of clinic-style legal education. In addition, the amount of class hours offered by colleges and universities is about 30 per semester, but this is far from the teacher's contribution. The lack of incentives has led many teachers to be reluctant to participate in the teaching of legal clinics.

#### 3.4. Litigation level: promotion first and contradicting the dilemma

At present, the colleges and universities have generally implemented the clinic-style legal education model, but the application of this model has not won the recognition of the judges and the community, which has led to great resistance in the application process. On the one hand, the problems involved in some cases are very sensitive, and the judges are also cautious. Some judges think that such litigations are meaningless and consider the student agents to be sensational. On the other hand, the nature of public interest litigation in clinic-based legal education has led to the exclusion of cases in the judicial field, and there are many criticisms from various sectors of society. In addition, the disapproval of society has led many students to question the implementation of clinic-style legal education and even refuse to participate in the practice of legal clinics.

### **4. The Implementation Strategy of Clinic-Style Legal Education in Colleges and Universities**

#### 4.1. Integrating channels, striving for funds and standardizing identity

As a cost-effective teaching model, clinic-based legal education will be difficult to ensure its normal operation once it lacks financial support. To this end, we must integrate multiple channels, strive for funding sources, and standardize student identification. Specifically, first, we must strive for the support of law schools and universities, and strive for the regular allocation of clinic practice funds. Colleges and universities should combine the implementation of legal clinics and establish special funds in the budget. Second, universities must strive for social resources. By strengthening publicity and promotion efforts, the scope of public welfare legal services and reception will be continuously expanded. For example, regular visits to the community will provide legal assistance to community residents and the community, ensure the stability of legal clinics, and continuously expand the influence of clinics, so as to gradually strive for the industry. Strong support from associations and social resources; Third, universities should encourage clinic teachers and students to actively apply for relevant topics and obtain funding for the project to alleviate the financial pressure on clinics. Fourth, universities can strengthen cooperation with the Judicial Bureau and build a legal aid center. By providing legal aid services, we will strive for national legal aid fees. Fifth, in addition to seeking funding, the state should also create a good social environment for the application of the clinic-based legal education model from the legislative level, from positioning, mode of operation, student identity, etc. Standardize Students who practice dual role conflict to the exclusion of legal clinics to provide training opportunities.

#### 4.2. Scientific evaluation, strengthen incentives and encourage teachers to participate

From the perspective of teachers, in order to ensure the smooth implementation of the clinic-style legal education model, it is necessary to optimize the evaluation mechanism of legal teachers and assign full-time teachers with practical experience as clinic instructors. At present, the evaluation system of college teachers cannot ensure that their whole body is rushing to the practice of legal clinic education. Therefore, universities must innovate evaluation mechanisms and establish a promotion mechanism for teachers of legal clinics to strengthen the incentive effect. At the same time, colleges and universities should appropriately increase teacher subsidies and hourly subsidies. At present, the number of teachers in legal clinics is seriously different from their pay, so colleges and universities should appropriately increase subsidies or subsidize them in other ways to fully mobilize the enthusiasm of teachers. In addition, colleges and universities should also standardize rules and regulations. When the legal clinics are established, they will implement complete supporting measures. In response to the excessively heavy teaching tasks and research pressures of clinic teachers, universities should speed up the construction of rules and regulations, in order to achieve the expected goals of the clinic. Recruiting special personnel to manage the daily administrative affairs and operational activities of the clinic to ensure that the clinic can strictly follow the internal rules and regulations.

#### 4.3. Going out of colleges and universities, connecting with reality and striving for multi-party identification

In view of the dilemma faced by the application of the clinic-style legal education model, some scholars have proposed to push the strategy of walking out, even if all students participate fully in the clinic practice activities, and take the GSP development path. First, the legal clinics will be departmentalized to expand the participation of students. At the same time, the legal clinics will fully face the society and bring judicial success to the campus. Secondly, the colleges and universities will promote the promotion of the social value of the clinics by emphasizing the initiative of legal clinic services. With the help of modern marketing means to win more people's understanding and recognition; finally, universities should strengthen the relationship with the legal aid center, provide a practical exercise platform for clinic students, and at the same time enable students to better understand the society, rich experience, better for The vulnerable groups transport justice. In addition, colleges and universities should strengthen cooperation with courts, procuratorates, law firms, judicial bureaus and other units.[4]On the one hand, strengthen the introduction of external human resources, teachers, financial resources and other resources, organize special lectures, training and other activities; on the other hand, clinics Students should take the initiative to go out and organize students to attend court trials, visit law firms, and recommend students to serve as courts, procuratorates, and law firm interns to provide students with rich practical opportunities.

## 5. Conclusion

In a word, the application of clinic-based legal education in colleges and universities is still facing many difficulties. To this end, it is necessary to strengthen the study of the clinic-style legal education model, combine the actual situation of legal education in colleges and universities, and adapt to local conditions and school policies to build a characteristic clinic-style legal education system to promote the implementation of the clinic-style legal education model and development.

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