

The Practical Significance of Case Study in Legal Education

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Abstract: This paper analyses the concept of case study, the base of legal principle, and the application of case study in legal teaching, with an emphasis on discussing the function of case in every part of legal education. The case study pedagogy has a long history and is widely used in legal education in the American legal system. Because of its advantages, it has gradually been adopted by law education in civil law countries. The case study method has many benefits, such as facilitating the initiative of mobilizing students' learning, cultivating the students' comprehensive ability, and enlivening the classroom atmosphere. In the implementation of the case study teaching method, attention should be paid to selecting appropriate cases and conducting careful arrangements to improve teaching effectiveness. This paper provides some referential materials to improve the teaching method of case study.

1. Introduction

Case study has played a very important role in the field of legal education. Case Study encourages students to think independently and transform theoretical knowledge into living abilities [1]. Most traditional legal education is simply instilling knowledge, without considering the feelings of recipients. Not only the teaching contents lack of practice, and it is difficult for the students to understand. It could not reach the teaching effectiveness, and even hurt the students' learning enthusiasm and initiative in a certain degree. The introduction of case study focuses on ability training from simply knowledge transfer, knowledge does not mean ability, and the learned knowledge should be better transformed into ability. At the same time, case study teaching promotes the role interaction between teachers and students, and promotes teaching with learning and teaching. This two-way teaching form can play a better teaching effect as showed below in Fig.1.

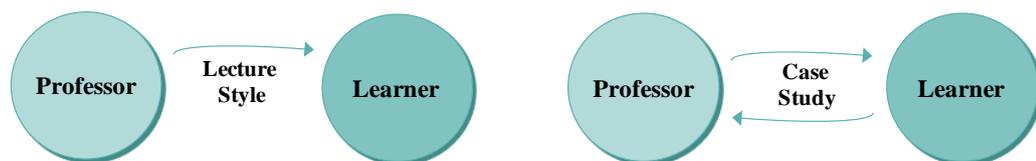


Fig. 1 The practicality of case study

China is a statutory country, and the courts make judgments based on statute law. Such decisions cannot be used as precedents. Therefore, the method used in Chinese law teaching is mainly the lecture-style classroom teaching method, which focuses on teaching the basic principles and basic knowledge of law, concepts, theoretical systems, and theory [2]. However, this teaching method separates the relationship between law and living social life. Pure concept and theoretical instillation often make the teaching of law become lifeless and boring. It can be said that the teaching method of case study is just to bring legal education back to the original position it should be in.

2. The Implementation Conditions of Case Study

The specific implementation of the legal case study education method needs to have certain conditions. The following elements should be established and improved when implementing the case study teaching method.

2.1 Professors should have profound theoretical knowledge and rich practical skills.

First of all, professors must be proficient in the professional course, basic knowledge, and legal provisions. Secondly, professors should have strong practical abilities and be able to organically integrate theory and practice so that case study teaching can achieve the desired results without causing the disconnect between book knowledge and practice. Thirdly, teachers are required to pay attention to the characteristics of the selected legal cases, make use of the situation, and achieve their own teaching objectives. They should not blindly vote for students and forget or obscure teaching requirements.

2.2 Systematic selection of study cases.

Cases were selected well and the case teaching method was half successful. Case study methods are used in no matter it is the teacher's explanation of the case or the student's discussion of the case, the observation of the trial case, and the involvement of the moot court [3]. All the cases should be carefully selected. And it also should pay attention to the following points, as showed in Fig.2. First is novelty, which means it should choose the latest cases in judicial practice as much as possible to make case study more close to real life, and through case discussions to understand new issues raised in judicial practice. Second is typicality, which means a representative case is selected around the core content and basic theories to be taught in order to achieve the goal of deepening students' understanding of the basic theory of law through case discussions. Third is gradation, which means the breadth, depth, and difficulty of the problem set according to the selected case should be based on different levels of teaching as described above. Fourth is the diversity. It is necessary to choose the example of abiding by the law, but also to choose the typical case style of remorselessness in crimes; to select small cases that occur around the learners, but also to select major cases that have major influence in the country, and the most controversial and inconclusive case.

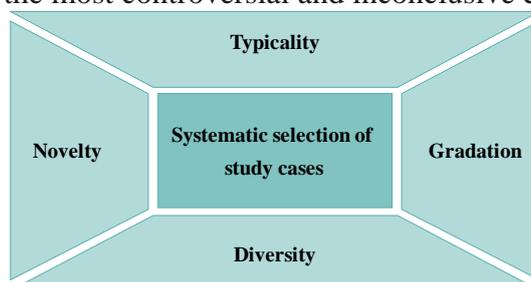


Fig.2 Systematic selection of cases

2.3 Clear the purpose and role of legal cases.

The use of any case taught in the legal professional course should be purposeful. It is all about attempting to clarify relevant theoretical issues or knowledge points through concrete examples, trigger students' thinking, deepen their impressions, and consolidate what they have learned. Leaving the teaching content, without teaching purpose, or the purpose is not clear, and then the case study is meaningless. A good professor, when using case study, must understand the needs of the teaching object based on the teaching content, and then cutter. In a certain sense, the teaching method is only a means of imparting teaching content and knowledge. The starting point of the case study is the case and the foothold should be the law.

3. Significance of Case Study in Legal Education

3.1 Inspire learner's enthusiasm and initiative

The mobilization of student enthusiasm and initiative in case study method is reflected in two stages, as showed below in table 1. First is the pre-class stage. In order to solve the professional problems involved in the case, students must understand, study, and even search for relevant professional knowledge. Because learners could only get limited knowledge from the professor

during the short lecture hours, it is often not enough to thoroughly grasp the problems in the case.

The second is the lecture stage. After preparing for the class, students usually have a curiosity about the answers to the questions involved in the case. They are also more concerned about the fact that they do not have in the case discussions. This will force them to follow up on the entire teaching process and try to form their own View. This is the function that cannot possessed by the one-way theoretical indoctrination system.

Table1. Two mobilization stages in case study

| Pre-class stage | Lecture stage |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| The professor decides a specific case according to teaching contents, and recommends relevant references and materials. Listeners study the case before class, prepare for case analysis. | Students study the case, and think and analyze the problems in the case, so as to discover the potential of their own thinking. |

3.2 Cultivate and improve the learner' comprehensive ability

As mentioned above, the case teaching method will mobilize students' ability to actively study and think, and use discussion as a teaching method. This will help students form a variety of abilities, especially for cultivating students' personality and expression skills.

The essence of personality is that a person is different from the sum of people's views and values, habits, and expectations of self. Personality is the source of human creativity, and a student has no personality, that is, its views on things, values have no essential differences with others. We could not ask him to be creative since a person's view of the world and his expectations are not essentially different from others. Creativity is a person who interprets the world or self in a different way. Case study method does not allow students have negative learn attitudes, it mobilizes their enthusiasm for thinking, which is also the cultivation of students' personality and the formation of their personality.

For legal students, the ability to express is particularly important, and case study method provides them a good opportunity for discussion and debate. Every student in the class can speak freely, and their verbal expression, communication skills and resilience can be trained and improved accordingly. At the same time, in such a process, teaching students to communicate with each other, respecting others, and caring for others can also enhance their ability to persuade others and listen to others.

3.3 Enliven lecture atmosphere.

The characteristic of the theoretical teaching method relative to the case analysis is the sense of dryness caused by its abstractness. Pure theoretical teaching has blocked the essential connection between theory and practice. When students are learning, they can easily get bored and distracted because they cannot feel the flesh and soul of theory. Due to the lack of student participation, the teachers in the class taught the lesson, and they all had the appearance of self talking [4]. As a result, many teachers have to maintain their class rates by check the list. This is by no means a teacher's wish. In such classes, both teachers and students are tired. Case study method is close to life, and students must participate. Even students become protagonists in the classroom. People naturally have the instinct to persuade others. Therefore, in an organized case study class, the atmosphere could certainly not be boring.

4. Summary

Case study has played a very positive role in the field of legal education. Case study encourages students to think independently and transform the theoretical knowledge into a living ability. Case study teaching essentially changes the role of teachers as traditional professors. They play the role of designer and motivator in teaching. Students change from a passively accepted party to a party actively involved in the discussion. It is a new educational concept different from traditional teaching methods. Case study teaching is a good tool for legal education, however, it is necessary to choose

carefully and correctly use cases to get good teaching effect.

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