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The Path to Improvement of China's Professional Cultivation in the Perspective of Legal Clinics

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Abstract: Since its inception in the United States in the 1960s, the legal clinic has developed rapidly in the United Kingdom, Finland and other countries due to its characteristics of significantly improving students' practical ability. China has also joined this trend. Since 2000, seven universities, including Peking University and Tsinghua University, have taken the lead in introducing legal clinics, and other universities have followed suit. Although the application of legal clinic in major universities has been quite mature, its application has been limited to general undergraduate courses rather than vocational undergraduate courses. Therefore, the legal clinic has been in a blank state in vocational undergraduate courses which train practical talents. Based on the blank phenomenon of legal clinic in vocational undergraduate, this paper aims to explore the path of improvement of vocational training in the perspective of legal clinic. Through the research, it seeks to put forward practical suggestions to promote the effective use of legal clinic in vocational undergraduate, in order to better cultivate practical talents. The literature review method and comparative method are used to conduct an exhaustive research on the development history of legal clinics in the international arena and in China. By comparatively analysing the application of legal clinics in general and vocational undergraduate courses, the applicability and development path of legal clinics in vocational undergraduate courses are explored. The research found that although legal clinics have achieved remarkable results in general undergraduate courses, there is a gap in the field of vocational undergraduate courses. Through comparative analyses, a path for the improvement of the law clinic in vocational undergraduate is proposed, including suggestions for adaptive adjustment of the clinic model, broadening the field of cooperation, and strengthening cooperation with the industry. This research fills the research gap of legal clinics in the field of vocational undergraduate, and provides new perspectives and paths for colleges and universities in cultivating the practical ability of vocational undergraduate students. By promoting the application of legal clinic in vocational undergraduate, it can better meet the needs of the actual legal profession and provide substantial support for the cultivation of more comprehensive legal professionals.

Keywords: Law Clinic; Professional Undergraduate; Practicalisation; Training; Pathway

1 Introduction

1.1 Origins of Legal Education in Clinics

"Legal clinic" education, also known as "clinical legal education", is a legal education model originated in the United States to help students develop experiential learning ability and improve students' practical ability as the main goal (Kadek Agus Sudiawan et al., 2021). In the 1960s, the United States set off a wave of reforms to the traditional legal education model. In the 1960s and before, U.S. legal education from the earliest adopted apprenticeship legal education model to the jurisprudential teaching method, but

in the 1920s and 1930s, the United States has a group of scholars known as the "realists", they advocate for eclecticism, and for the law and legal education at the time of the situation (Hanoach Dagan et al., 2017). In the 1920s and 1930s, there was a group of scholars called "realists" in the United States, who advocated eclecticism and attacked the state of law and legal education at that time. After that, as the gap between the rich and the poor in the United States was getting wider and wider, the poor families could no longer afford to pay the high legal fees, while at the same time, the development of the civil rights movement made the lawyers

and the law students realise the importance of applying the rules of the law to the practice, so the legal aid system came into being. The legal aid system, which was the prototype for legal education in clinics, was created so that society could use law school faculty and students to provide legal help to poor people in need of legal aid (Ramdhan Kasim et al., 2018).

The real catalyst for the establishment of legal clinics in the United States was the War on Poverty Campaign, launched by the Kennedy-Johnson administration, in which the Ford Foundation spent \$10 million on the programme to fund law schools willing to establish legal clinic education programmes to provide legal services to poor families (E. Ratnaningsih et al., 2019).

Jurisprudential teaching method, i.e. case teaching, refers to a kind of teaching method through simulation or reenactment of some scenes in life, so that students can feel the scene in the case and learn the theoretical knowledge through discussion or seminar (Laila Badriyah et al., 2020). This teaching method, before the 1960s, in the United States of America's legal education is widely used, but in the 1960s and 1970s, due to the lack of traditional jurisprudence teaching practical content and more and more scholars criticised and questioned, many scholars on the issue of the establishment of the law should be trained in the practical ability of law students for the purpose of the legal education model.

As a result, the wind of reform of the legal education model has become more and more intense, the teachers and students of American law schools, especially those in the legal profession, reflect on the traditional model of legal education, but also on the failure of the law schools to train the talents needed by the society to reflect and rectify, but by the end of the 1960s and the early 1970s, the United States has not yet taken the education of professional responsibility as the main mission of its law schools. However, by the late 1960s and early 1970s, the United States still had not made professional responsibility education the primary mission of its law schools.

However, following Eliot Chittam's 1932 description of a method of teaching ethics in which lawyers, law and other judicial officers are viewed as public institutions with a public responsibility for the fair administration of justice, and after which students are introduced to the bar and presented with the ability of lawyers to impede or promote desired

social change, respectively, it can be seen that ethical education, as a practical discipline, and clinic legal education should be its best vehicle (M. du Plessis et al., 2021). For this reason, the American Bar Association has since mandated the establishment of law schools to offer legal clinic courses, thus officially kicking off the use of clinic legal education.

1.2 Development of Clinic Education in Western Countries

1.2.1 South Africa

Clinics in legal education were established in the United States in the 1960s and gradually in South Africa in the 1970s, with students from the University of the Cape establishing the first legal clinic in South Africa in 1972, followed by faculty members from the University of the Witwatersrand in Johannesburg and the University of Natal in Durban in 1973, and then the Legal Aid Council of South Africa contracting with five South African universities to have their law school graduates become staff of public defence clinics (Oludayo Bamgbose et al., 2021). In 1994, the Legal Aid Council of South Africa contracted with five South African universities to have graduates of their law schools become staff members of the public defence clinics, followed by the establishment of the Association of University Legal Aid Agencies (AULA), which was created by a coalition of law school faculty members in the early 1990's and which not only provides official representation for all legal clinics in South Africa, but is open to accepting the formal legal aid agencies of all university law schools into the AULA (Mcquoid-mason et al., 2020). Formal legal aid providers from university law schools into the Association. At the same time, it is worth noting that the Clinic Law Project in South Africa is assisted not only by the universities and the Integrity Fund, which is funded by lawyers from the Law Society of South Africa, but also by the Legal Aid Council of the Law Centre (Vibhor Gupta et al., 2022).

As can be seen from the above, legal education in clinics in South Africa has had a rapid development trend since the 1970s, and today, legal education in clinics in South Africa has achieved a large-scale development in South Africa.

1.2.2 Norway

At the Faculty of Law of the University of Oslo, Norway, for example, a student-run legal aid centre under the Faculty of Law, the Juss-Buss Research Centre, was set up in 1971 with the aim of providing pro bono legal aid to the

underprivileged and disadvantaged, as well as in rural areas(Ole Hammerslev et al., 2018). Literally, Juss-Buss means "Law-Bus", and the earliest model was to provide mobile legal services by locating offices on outdated buses. The law clinic is housed in the research centre, where all students are volunteers, and the legal assistance they provide to the underprivileged and disadvantaged is on a volunteer basis. "The teacher acts as a bridge between the law school and the Law Bus, i.e. the teacher is responsible for communication between the law school and the Law Bus.

Thus, in Norway, legal clinic education no longer exists only as a course, but has evolved into a legal service clinic, i.e., it has a unique Norwegian style of legal clinic education.

1.2.3 UK

As a country with case law, the United Kingdom has always emphasised case teaching rather than non-statutory teaching in its legal education. Therefore, in terms of the design of law courses, it has made case studies, moot courts and other practice-oriented teaching methods the mainstay of its law courses(Han Huanling et al., 2018).

In 1846, Britain set up a special committee on legal education for the investigation of legal education at that time, and formed a relevant report on the investigation of legal education reform, in which it not only objectively analysed the deficiencies of the original legal education in Britain at that time, but also put forward the importance of carrying out legal education in universities and the importance of legal education in the content of education and teaching methods, which should pay more attention to the academic and scientific, and, moreover, the legal education should pay more attention to the content of education and teaching methods(Volodymyr Kakhnych et al., 2021). In addition, it not only did not completely deny the advantages of traditional legal education, but also proposed that the existing legal education should be reformed and more attention should be paid to the role of the British Bar Association and vocational education. Later, in the mid to late 19th century, a relatively perfect examination system was formed in Britain, namely, the vocational education qualification examination system, and at the same time, the modern legal education system also became relatively perfect. In the 1970s, after Britain had carried out a number of reforms of the legal education system, the Omrod Report was published, which emphasised that the British law schools should strengthen the collaboration with the practice sector, and then, Britain not

only retained its traditional legal education, but also made a number of recommendations. The United Kingdom has not only retained its traditional mode of legal teaching, but has also continuously absorbed the legal teaching experience of other countries on the European continent, thus forming a set of its own unique mode of legal education(S. MacLennan et al., 2020).

In the British legal education model, not only do they attach great importance to basic knowledge, but also to the cultivation of basic skills. In the British law curriculum, they attach great importance to the combination of theory and practice, and thus, in terms of the United Kingdom, they have already formed a set of unique British legal education model, and the same is true for their clinic legal education(Lyndsey Bengtsson et al., 2023).

1.3 Advantages of Legal Education in Clinics

In the traditional legal education, the focus is often on the mastery of students' theoretical knowledge, therefore, in the four years of law courses in the university, students are often interested in only the mastery of theoretical knowledge, and the cases they come into contact with are only the old cases that have already been ruled in the past, but, as a very strong practical law discipline, if the students only know the law but do not know how to use it flexibly, then there will be Law graduates in the workplace in the face of the case or even face the parties when the mute, do not know what to do, and the clinic legal education has the advantage of precisely can solve these problems.

First of all, as for the clinic legal education, it is modelled on the medical students in the medical clinic clinical internship, therefore, it can improve the practical ability of law students, so that students in the university law programme not only will not only pay attention to the theoretical knowledge of the study, but also to lay a certain foundation of experience for their future work(M. du Plessis et al., 2021). Secondly, in the traditional legal education programme, teachers often use the form of "full irrigation" when teaching knowledge, that is, in the classroom, teachers are only output for the knowledge taught, and little care about whether the students can master the knowledge taught and apply it flexibly, while the clinic legal education completely subverted this teaching method, so that the students in the knowledge of the law students can master and apply it flexibly, while the clinic legal education completely subverted this teaching method, so that the students in the

knowledge of the law students can master and use it flexibly. Teaching methods, so that students in the study of law courses not only can quickly grasp the theoretical knowledge and flexible use, but also stand in the perspective of the parties to better help students in the handling of cases put themselves in the shoes of the parties, so as to better communicate with the parties.

2 Introduction of Legal Clinics in China

2.1 Overview of Legal Education in China

China's legal education has always adopted the traditional legal teaching model, that is, teachers in the teaching process is to instil knowledge in the students, at the same time, the practical ability of students is not enough attention or even ignored(Shixiu Cui et al., 2021). This also leads to China's law graduates, even college graduates will still appear in the step into the workplace, in the face of the case in front of the blank, do not know what to do, this scenario precisely also shows that in China's traditional legal education model, students learn the theoretical knowledge and practice is almost a disconnect between the state of the world, and therefore, as a highly practical discipline, the combination of practical ability and theoretical knowledge is the investigation. Therefore, as a highly practical discipline, the examination of practical ability combined with theoretical knowledge should be an evaluation standard to measure the mastery of the discipline.

Meanwhile, in terms of teachers, the selection of teachers in China's legal education system is mostly based on their scientific research ability, which has given rise to the saying that "scientific research is more important than teaching". However, in teaching, not all teachers with strong scientific research skills are strong in lecturing, and as a result, teaching in China's legal education system sometimes results in students not being able to understand the knowledge taught by their teachers well enough to apply it in the future.

2.2 The Significance of Clinic Legal Education for Legal Education in China

In traditional Chinese legal education, the emphasis on theory rather than practice is the norm, therefore, to change this shortcoming-like problem, effective measures should be taken to reform it, and the use of clinic legal education is an effective means of reforming the existing traditional legal education in China. Clinic legal education has the following

significance for China's legal education.

2.2.1 Significantly Contributed to the Process of Reforming the Teaching of Law

In the traditional law teaching in the past, the neglect of practice is a major defect for law students to learn law courses, but with the "Belt and Road" construction and other internationalisation, the country's demand for high-quality practical legal talents is growing, and the establishment of clinic legal education to improve students' practical ability and moral quality has played a great role in promoting the reform of law teaching. The establishment of clinic legal education has played a great role in improving students' practical ability and moral quality, thus, in the reform of law teaching, clinic legal education has greatly promoted the process of law teaching reform(M. du Plessis et al., 2021).

2.2.2 Contributed to the law reform process

The consequence of emphasising theory over practice is not only that students will be at a loss as to what to do in their employment, but also that they will be indifferent to the person concerned when they are at work, i.e., students will not be able to communicate with the person concerned better due to the lack of sufficient experience, and they may not only fail to understand the person concerned's wishes when communicating with the person concerned and make mistakes, but also make mistakes because of the inability to think about the problem from the person concerned's point of view, to the detriment of the person concerned's interests. They may not only make mistakes because they cannot fully understand the wishes of their clients when communicating with them, but may also harm the interests of their clients because they cannot think from their clients' perspective. Clinic legal education enables students to improve their own moral qualities in the process of being taught, so that they can put themselves in the shoes of their clients and seek more benefits for them. In terms of law reform, as students think more from the perspective of their clients when handling cases, they will be able to identify many problems in the existing laws and find out whether they are reasonable for the people, which will also promote the process of law reform.

2.3 The Current Status of Legal Education in China with Regard to the Introduction of Clinic Legal Education

With regard to the introduction of the legal clinic programme, it was not until 2000 that the law schools of seven universities, including Peking University, introduced the programme. To date, the number of colleges and

universities offering "legal clinics" has reached more than 50 nationwide, and the institutions offering the programme have almost covered the law schools and political and legal colleges and universities of the country's most famous universities, thus making it a measure and content of the reform of legal education. Among them, the schools that have developed earlier and achieved better results include Southwest University of Political Science and Law, Zhejiang University, Peking University, China University of Political Science and Law, Zhongnan University of Economics and Law, Renmin University of China, Northwest University of Political Science and Law, and China Women's College.

3 Gaps in the Legal Clinic in the Undergraduate Legal Profession

3.1 For an Overview of the Vocational Bachelor's Degree

Vocational Bachelor's Degree, i.e. Higher Vocational Bachelor's Degree, together with General Bachelor's Degree, constitutes full-time undergraduate education. However, the two are different modes of training. General undergraduate education, i.e. the type of undergraduate education on the diploma obtained by all undergraduate students after graduation since the resumption of the college entrance examination, is not set up when vocational undergraduate education is not established, the cultivation of technological talents is entrusted to the cultivation of schools at the level of specialists, and thus these technological types are given the word "specialists", and at the same time, due to the influence of various factors, the specialists have been given the colour of discrimination. However, with the development of the times, China's demand for high-quality technical talents has reached its peak, and in this regard, vocational undergraduate came into being.

In January 2019, the State Council issued an implementation programme on vocational education reform, namely the National Implementation Programme for Vocational Education Reform, which explicitly proposed "to carry out a pilot project for vocational education at the undergraduate level", and the proposal of this programme started the process of running vocational undergraduate education in China. The establishment of vocational undergraduate education is an important part of the construction of China's modern vocational education system and high-level applied personnel training system, which is of great significance to the cultivation of high-quality labourers

and technically skilled personnel.

Therefore, since the State Council announced the National Vocational Education Reform Implementation Programme in 2019, colleges and universities around the world have actively responded to the call of the state, and the establishment of vocational undergraduate education has gradually been put on the agenda, but because the national planning for vocational undergraduate education has only been kicked on the agenda in recent years, the vocational undergraduate education of our country is currently in the embryonic stage, and the problems it faces are innumerable. For example, in the positioning of the degree nature of vocational undergraduate programmes, although the "Opinion on Degrees" stipulated that vocational undergraduate programmes are included in the bachelor's degree system in 2021, it has not directly stipulated that vocational undergraduate programmes are undergraduate education, therefore, there are sufficient reasons for academics to believe that vocational undergraduate programmes are only vocational education permitted to be used in bachelor's degree programmes. Therefore, in reality, graduates of vocational undergraduate programmes are discriminated against by employers who question whether they have a bachelor's degree.

3.2 Gaps in Clinic Legal Education in the Undergraduate Legal Profession

Clinic legal education since its inception in the United States in the 1960s, it has been a rapid development trend in various countries around the world in colleges and universities of law schools, but to date, colleges and universities to cultivate legal talents are theoretical knowledge-oriented, thus, the clinic legal education for the object of the law theory-based talents, that is, the talent to theoretical knowledge-led, through the clinic to enhance their ability in the practical aspects of the law, which is also the original intention of the clinic legal education inception. This is also the original intention of the clinic legal education.

In recent years, the state has been demanding more and more for the practical ability of law students, and thus has attached great importance to the cultivation of undergraduate legal professional talents. Legal professional undergraduate, as the name suggests, its training is to practice-oriented high-quality legal practice-oriented talents.

From the concept of clinic legal education, we can learn that the combination of theoretical knowledge and practice as

the basis for training high-quality legal practice-oriented personnel, from this aspect can be seen, in fact, with the training mode of legal vocational undergraduate coincides with the training mode, so for the training of legal vocational undergraduate personnel, the course can also be used, but, to date, the clinic legal education in the legal vocational undergraduate is still However, to this day, clinic legal education in the legal vocational undergraduate course is still in the state of "zero", that is, in the use of clinic legal education, in the legal vocational undergraduate course is still a blank.

4 Recommendation

Vocational Bachelor's Degree was founded to cultivate students with strong practical ability, but because it has been opened for only four years, scholars are still on the surface of the investigation, and the first batch of graduated vocational Bachelor's Degree graduates were unfairly treated when they looked for a job after graduation due to lack of understanding of the outside world. In the legal vocational undergraduate, it can make up for the shortcomings of the general undergraduate, for the country to cultivate high-quality practical talents, if the legal clinic can be used as a second classroom to make up for the problem of poor practical ability of the general undergraduate of law, then, in accordance with the legal clinic of the same purpose of the idea of the two cultivation, the legal clinic should be used as the first classroom of the legal vocational training in order to strengthen the practical nature of the vocational training of the students.

Thus, to sum up, according to the author's opinion, as the cultivation of high-quality practical talents of vocational training, the importance of students' practicality should be the same as the theoretical knowledge of general undergraduate mastery of the importance of the general, then, the law clinic as a course that can greatly improve the practicality of the students of the law students, its undergraduate students of the legal profession can be used as a first classroom, so that the students with the medical students with their masters Clinic in general under the guidance of the tutor to provide free help to people in need, so as to exercise their flexibility in dealing with actual cases and their ability to combine theoretical knowledge and practice, so as to better achieve the purpose of vocational training, to provide the country with more high-quality practice-oriented legal talent.

5 Conclusion

With the development of the times, the country's demand for high-quality practical talents has been increasing day by day, as a member of the humanities is very strong practice of law, the country's demand for its practical high-quality talents is also so, then, in the legal career training, the law clinic is to improve the legal profession undergraduate students is an effective measure, so in this regard, the relevant personnel can start from the measure, to provide new ideas for career training. Therefore, in this regard, the relevant personnel can start from this measure to provide new ideas for career training. At the same time, in the training of vocational undergraduate students should not ignore the mastery of students' theoretical knowledge, that is, they should do both to their theoretical knowledge and practical ability, if one side of the missing, may make it difficult to be a big task, but compared with the general undergraduate, the grasp of the practice of the vocational training of the most important, so in the training of the legal profession, the use of legal clinics, which can greatly improve the students' ability to practice the programme as the training of vocational undergraduate students. Therefore, in the legal career training, using the law clinic, which can greatly improve the students' practical ability, as the main course to train the vocational undergraduate students, should be able to achieve the purpose of career training.

Reference

- [1] Bamgbose, O. (2021). Clinical Legal Education in Nigeria: Envisioning the Future. *Australian Journal of Clinical Education*. <https://doi.org/10.53300/001c.22197>.
- [2] Bengtsson, L., & A'Court, B. (2023). The Law in the Community Model of Clinical Legal Education: Assessing the Impact on Key Stakeholders. *International Journal of Clinical Legal Education*. <https://doi.org/10.19164/ijcle.v30i2.1327>.
- [3] Cui, S. (2021). The Transformation and Development of Chinese Legal Education Model under the Background of the COVID-19 Epidemic. *2021 International Conference on Computers, Information Processing and Advanced Education (CIPAE)*, 244-249. <https://doi.org/10.1109/CIPAE53742.2021.00066>.
- [4] Dagan, H. (2017). Contemporary Legal Realism. *Social Science Research Network*. <https://doi.org/10.2139/>

SSRN.3004558.

- [5] Gupta, V., & Rastogi, D. (2022). Clinical Legal Aid Clinics of Law Colleges for Human Rights and Dignity. *Journal of Pharmaceutical Research and Innovation*. <https://doi.org/10.36647/jpri/02.02.a001>.
- [6] Hammerslev, O., Olesen, A., & Rønning, O. (2018). Juss-Buss [Law Bus]: A Student-run Legal Aid Clinic. , 147-167. https://doi.org/10.1007/978-3-319-46684-2_7.
- [7] Huanling, H. (2018). The Practical Significance of Case Study in Legal Education. . <https://doi.org/10.25236/issec.2018.046>.
- [8] Kakhnych, V. (2021). Formation of legal education at the University of Lviv and universities of Great Britain in the middle of the XVII–XIX centuries. *Law Review of Kyiv University of Law*. <https://doi.org/10.36695/2219-5521.1.2021.06>.
- [9] Kasim, R. (2018). The Giving Legal Aid For The Poor On A Criminal Case. *Substantive Justice International Journal of Law*. <https://doi.org/10.33096/substantivejustice.v1i1.12>.
- [10] MacLennan, S. (2020). Teaching European Union Law after Brexit. *European Journal of Legal Education*, 1, 5-26.
- [11] Mcquoid-mason, D. (2020). Access to justice and the need for a holistic approach to the delivery of legal aid services in developing countries: Lessons from South Africa. *Jindal Global Law Review*, 11, 309 - 337. <https://doi.org/10.1007/s41020-020-00126-1>.
- [12] Plessis, M. (2021). The role of clinical legal education in developing ethical legal professionals. *De Jure*. <https://doi.org/10.17159/2225-7160/2021/v54a17>.
- [13] Ratnaningsih, E., & Herawati, E. (2019). Encouraging the Establishment of Legal Clinics in Broadening Access to Justice for the Poor. *Proceedings of the Proceedings of The 1st Workshop Multimedia Education, Learning, Assessment and its Implementation in Game and Gamification, Medan Indonesia, 26th January 2019, WOMELA-GG*. <https://doi.org/10.4108/eai.26-1-2019.2283276>.
- [14] Sudiarawan, K., Martana, P., Dewi, C., Dwipayana, I., & Budiarti, L. (2021). Street Legal Clinic: Development of Legal Learning Methods Based On Clinical Education in Law Education Institutions. , 2, 15-26. <https://doi.org/10.25041/PLR.V2I1.2220>.