

# *Supply-side Reform on Law Undergraduate Education: Path and Initiatives*

—An Analysis Based on S Law Firm Case Study

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**Abstract**—At present, there is a structural dilemma in the undergraduate education of law in our country. Efforts should be made to promote supply-side reforms to achieve the balance between supply and demand on the basis of “reducing excessive capacity”, “adjusting structures” and “improving weak links”. In terms of “reducing excessive capacity”, the integrated advancement of a strict control mechanism before the event, a strict management mechanism during the event, and a strict exit mechanism after the event should be implemented. In terms of “adjusting structures”, based on the different needs of the legal market, institutions of higher learning should be encouraged to build the personnel training systems and training models of different levels; at the same time, in view of the reality of colleges and universities, institutions of higher learning should be encouraged to highlight the professional characteristics on the basis of the unity of the basic scale. In terms of “improving weak links”, the implementation of practical training aspects should be valued; teaching methods and course content should be updated. On this basis, the practical operation ability and legal professional quality of students should be further improved, and homogeneous output should be avoided, so as to improve the structural dilemma of law undergraduate education in institutions of higher learning in China.

**Keywords**—law; undergraduate education; supply--side; reform

## I. INTRODUCTION

In general, “supply-side reform” specifically refers to “starting from supply and production sides to enhance competitiveness and promote economic development by liberating productivity”, of which the core is to reduce institutional transaction costs and increase the productivity of all factors.<sup>[1]</sup> In our view, the undergraduate education of law of colleges and universities in China is completely consistent with the problems of the current economic development. On the one hand, the common advancement of governing the country by law, ruling by law and administration by law and the integrated construction of a country ruled by law, a government ruled by law and a society ruled by law requires a large number of high-quality legal talents. On the other hand, law undergraduates have been caught in the embarrassing dilemma of

“employment difficulty” for consecutive years, and the structural contradiction between demand and supply has become increasingly prominent. Based on the empirical research, this paper intends to put forward the path and initiatives for reform and improvement in the three aspects of “reducing excessive capacity”, “adjusting structures” and “improving weak links” on the basis of a brief outline of the structural dilemma of law undergraduate education in the institutions of higher education in China.

## II. “REDUCING EXCESSIVE CAPACITY” OF LAW UNDERGRADUATE EDUCATION

The supply school in Economics believes that supply is in the primary and decisive position in the relationship between supply and demand, so the school advocates free competition and opposes government intervention. China’s law higher education has long been a closed system with strong autonomy. The development of law undergraduate education is inevitably labeled as “barbaric growth”, resulting in serious overcapacity. A simple example is that in the Chinese College Graduates’ Employment Annual Report published by the third-party institution MyCOS Institute, the law major has been selected as a “red card major” with a large unemployment rate and the low overall satisfaction for employment rate, salary and employment for consecutive years. According to the Chinese College Graduates’ Employment Annual Report (2015), six months after the 2014 undergraduates graduate, the subject with the highest employment rate is Management (93.4%), while the subject with the lowest employment rate is Law (88.4%).<sup>[2]</sup> In order to deal with this predicament, the “reducing excessive capacity” of law undergraduate education in institutions of higher education should at least take effective reform initiatives in the three aspects of before, during, and after the event:

The first is the strict control mechanism before the event. The competent administrative department of education should establish a strict entrance control mechanism to avoid new invalid supply. On the one hand, for the higher education institutions that do not offer undergraduate majors in law, in principle, they are not allowed to add these majors; even if they are allowed, strict access conditions and a standardized review process should be established to strictly control the new supply.

This paper is the phased research result of the reform research projects on education and teaching of University of Electronic Science and Technology of China- “Reform and Practice of Law Undergraduate Talent Cultivation Mode in the Perspective of Supply-side Reform” (2016XJYYB054) and “Innovative Research on Teaching Model of Law Theory Courses Based on MOOC” (2016XJYYB055).

On the other hand, for colleges and universities with existing undergraduate law majors, the existing enrollment scale should be strictly controlled. In principle, they can only maintain the status quo or reduce the number, and expansion is not allowed.

The second is the strict management mechanism during the event. A basic consensus is that the quality and ability of law undergraduates cannot meet the needs of the rule of law in China. In view of this, in order to solve the problem of excess capacity, the competent administrative department of education should reform the supervision mode during the event: continue to implement the overall assessment of the college, while establish an evaluation mechanism for undergraduate majors in higher education institutions; use third-party institutions or enterprises such as the Law Education Research Association of the China Law Society to conduct the undergraduate assessment of law majors, so as to timely identify problems and make up the deficiencies.

The third is the strict exit mechanism after the event. The major access of higher education in China has been subject to the examination and approval system for a long time. However, there is no strict operational standards and standardized implementation procedures for major exit. Therefore, in order to match with the strict management mechanism of the aforementioned process, the competent education administrative department should construct a scientific major exit standard and operational process. For the colleges and universities that fail to pass the teaching evaluation of law majors, or that have vicious incidents, major defects and hidden dangers in the construction of majors, a strict “market exit” mechanism should be implement, to gradually resolve excess capacity and achieve the benign and orderly development of major construction.

III. “ADJUSTING STRUCTURES” OF LAW UNDERGRADUATE EDUCATION

The famous French sociologist Durkheim believes that “education itself is just a selected works of mature thought and culture”.<sup>[3]</sup> From this point of view, law undergraduate education should be a demonstration of the current mature law thought and culture in China. However, at present, the structural imbalance of law undergraduate education in China leads to the important shortcomings in the supply of social legal talents: the “shortfall” of high-end qualified talents and the “excess” of low-end ordinary talents coexist,<sup>[4]</sup> a large number of graduates “can neither meet the high-end needs of Chinese law nor meet the legal needs of rural areas or economic backward areas at the same time”.<sup>[5]</sup> The main reason for this situation is the similarity of the training systems, training methods, and training content, which causes the serious homogenization of law undergraduates cultivated in higher education institutions in China.<sup>[6]</sup> In order to confirm the reliability of this conclusion, we conducted an in-depth interview survey in June 2015 on a large-scale S Law Firm in Chengdu with a large number of new lawyers in recent years. We focused on the basic information of the firm’s new lawyers in 2012-2014 and the evaluation of these new lawyers by the 15 partners of the law firm.

According to the survey, S Law Firm newly recruited 38 lawyers during this period. Among them, there are 27 persons who directly enter the firm after graduation and 11 persons who transfer from other law firms or resign from other organizations to enter the firm. Among the 27 fresh graduates, 6 persons have transferred or resigned from the firm, and the remaining 21 persons are still working for the firm. Our study focused on the remaining 21 lawyers.

TABLE I. BASIC INFORMATION OF NEW LAWYERS IN S LAW FIRM FROM 2012 TO 2014

Highest Education	Bachelor of Laws	Master of Laws	Doctor of Laws	Total
Number of people (person)	13	6	2	21
Ratio (%)	61.90	28.57	9.53	100

TABLE II. GRADUATE SCHOOLS OF 13 UNDERGRADUATE LAWYERS

Last Graduate School	Comprehensive schools	Specialized schools of politics and law	Science and technology schools	Other schools	Foreign schools	Total
Number of people (person)	5	6	1	1	0	13
Ratio (%)	38.46	46.16	7.69	7.69	0	100

TABLE III. OVERALL EVALUATION OF NEW LAWYERS FROM 2012 TO 2014 BY PARTNERS OF S LAW FIRM

	Education Background of New Lawyers	Bachelor of Laws	Master of Laws	Doctor of Laws
Number of partners of each option (person)	Very satisfied (%)	1 (6.67)	3 (20)	1 (6.67)
	Satisfied (%)	3 (20)	6 (40)	9 (60)
	General satisfied (%)	6 (40)	2 (13.33)	3 (20)
	Dissatisfied (%)	5 (33.33)	4 (26.67)	2 (13.33)
	Total (%)	15 (100)	15 (100)	15 (100)

TABLE IV. EVALUATION ON THE HOMOGENIZATION OF NEW LAWYERS FROM 2012 TO 2014 BY PARTNERS OF S LAW FIRM

	Education Background of New Lawyers	Bachelor of Laws	Master of Laws	Doctor of Laws
Number of partners of each option (person)	Large difference (%)	0 (0)	3 (20)	4 (26.67)
	Big difference (%)	3 (20)	5 (33.33)	9 (60)
	Small difference (%)	7 (46.67)	6 (40)	2 (13.33)
	No difference (%)	5 (33.33)	7 (6.67)	0 (0)
	Total (%)	15 (100)	15 (100)	15 (100)

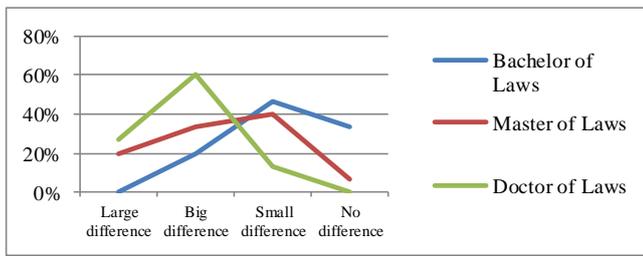


Fig. 1. Evaluation on the homogenization of new lawyers from 2012 to 2014 by partners of S Law Firm

It is not difficult to see from the above statistical table that the partners of S Law Firm are not very satisfied with the newly recruited law undergraduates in the past three years. Although the law firm is only one of the channels for the employment of law undergraduates, this example can at least serve as a sample of the overall current situation in the cross-sectional sense. The conclusion of this sample that the homogenization of law undergraduates is serious should have strong representativeness and universality.

On the basis of the above current situation of serious homogenization, it is believed that the key to solving the problem lies in "differentiation". Specifically, two aspects need to be improved:

On the one hand, aiming at the differentiated needs of the legal market, colleges and universities should be encouraged to construct the personnel training systems and training models at different levels. In response to the realistic demands of the differentiated characteristics of China's law market demands during the transition period, we should modify the training program for undergraduate talents in law in a targeted manner, optimize the talent training system, and cultivate law professionals who are adapted to the needs of the grassroots law service market. On the other hand, in view of the reality of various institutions of higher learning, institutions of higher learning should be encouraged to highlight major features on the basis of the unity of basic scale. For example, the law department of the foreign language or foreign trade university should strengthen the cultivation of foreign-related legal talents, and cultivate undergraduates with international vision by introducing textbooks, teachers and teaching methods from the law school of the Anglo-American law system; the law department of the university of science and technology may combine the characteristics of its own university and consider measures in the areas of intellectual property law, e-commerce law, network security law, and legislation of electronic evidence to cultivate compound legal talents under the high-tech background; and financial & economic colleges and medical colleges should also combine law knowledge and financial & economic knowledge, and medical knowledge in a targeted manner to take the path of the training of characteristic legal talents. In this way, the homogenization competition among colleges and universities can be avoided, making the law undergraduate education in different types of colleges and universities have complementary advantages; the demand for specialized legal talents in the contemporary society with the accelerated trend of fine division of labor based on major and

accelerated cross-integration can also be met, achieving the effective connection between demand and supply.

#### IV. "IMPROVING WEAK LINKS" OF LAW UNDERGRADUATE EDUCATION

In view of the weak links in the law undergraduate education in China, and from the perspective of the supply side, the attitude and position of the demand side should be especially valued to solve the weak links of law undergraduate education. In the above survey, we invited the 15 partners of the law firm to evaluate the main problems of new undergraduate lawyers in the past three years. The question was: "From 2012 to 2014, there were many problems with the newly recruited undergraduate lawyers of the law firm, and what are the top three problems?" For statistical convenience, the type ranked first in the questionnaire was recorded as 3 points, and so on; the type ranked second and third was recorded as 2 points and 1 point respectively. Finally, we need to find out the option with a higher score and the option with a lower score. The higher the score is, the more prominent the problem is, showing that it is a typical weak link. On the contrary, the lower the score is, the less obvious the problem is

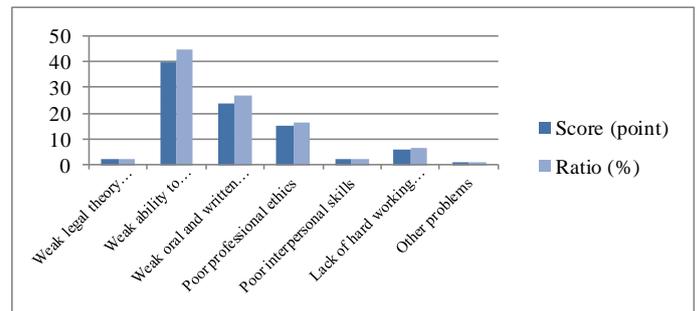


Fig. 2. Recognition by partners of S Law Firm of the problems existing in new undergraduate lawyers from 2012 to 2014

From the above statistics, it is not difficult to see that the understanding of the partners of the law firm as the demand side to the "weak links" of law undergraduates is mainly focused on the weak ability to analyze and solve problems, the weak oral and written ability, and poor interpersonal skills. These three points can be classified into two major problems, that is, the practical operation ability (the ability to analyze and solve problems and the ability of verbal and written expression) is not strong and the professional ethics is poor. On the basis of this, we believe that the basic idea of reform is to "make up the deficiencies, improve quality and increase efficiency", so we should take effective measures to improve students' practical operation ability and legal professional quality.

The first is to strengthen the implementation of practice and practical training. Taking graduation practice as an example, the competent administrative department of education should construct scientific assessment standards to improve the assessment mechanism; urge the institutions of higher learning to increase investment and take effective measures before, during and after the event; and truly implement the requirements for students in the practice and practical training.

The second is to update teaching methods and teaching content. As for teaching methods, the cramming method of teaching has greatly affected the practical operation ability of law students.<sup>[7]</sup> We should promote the combination of classroom teaching and extracurricular activities, listening and thinking, and urge and require students to strengthen the training of verbal and written expression skills through various means. As for the content of teaching, the time and requirements of public courses and foreign language courses should be reduced to enhance the teaching breadth and depth of law courses. Only in this way can we ensure that the mastery of professional knowledge can meet the needs of future jobs.

The third is to build an education system for legal professional ethics. "Law should be seen as a purposeful undertaking of which the success depends on the energy, knowledge, intelligence and conscience of those who do it."<sup>[8]</sup> Firstly, the competent administrative department of education or the Steering Committee for National Law Higher Education should introduce policies to list "legal professional ethics", "legal ethics" or "judicial ethics" as the core curriculum of law majors in institutions of higher education. Secondly, the education of legal professional ethics should be carried out through the four-year study of law undergraduate courses to ensure that students gradually develop professionalism during the repeated influence. Finally, since legal professional ethics is the summary of long-term legal practice experience, we recommend that the courses in this area should be offered by university teachers with rich part-time lawyer experience, or be taught by senior judges, prosecutors, and lawyers as the leading lecturers through the "Double Thousand Talents Program". Only in this way can you get twofold results with half the effort.

#### V. CONCLUSION

In general, with the overall transformation of Chinese society, the law undergraduate education in the institutions of

higher education will also experience a new round of growth shift period, painful structural adjustment period, and the period of tackling hard issues in the reform. The continuous deepening of the supply-side reform will surely become a powerful and inexhaustible source to drive the construction of China governed by law. On the basis of the "reducing excessive capacity" and "adjustment structures" of law undergraduate education, we should further improve the practical operation ability and legal professional quality of students, and avoid homogenous output. By doing so, the structural dilemma of law undergraduate education in institutions of higher education in China can be improved.

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