

“Learning through Racing”—Research on the Training Mode of Innovative Ability of Law Students

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Abstract—As a kind of important legal practice teaching method, the moot court plays an important role in cultivating the innovation ability of law students. It has been widely used in universities and colleges, but it still has a lot of space to improve while achieving certain results. In view of this, the teaching concept of “learning through racing” is applied to the moot court course. This paper attempts to explore moot court course reform and the construction the moot court course competition training mode from various aspects, in order to promote the regularization and professionalization of the moot court teaching.

Keywords—*Moot Court Competition Training Course; Law Student; Innovation Ability; Training Mode*

I. INTRODUCTION

At present, all domestic universities are actively strengthening the construction of “double first-class” universities and promoting the connotative development of higher education. How to balance and coordinate the relationship between knowledge teaching and practical teaching in the cultivation of law talents is an important part of the construction of rule of law in our country. [1] However, the serious shortage of students’ legal practice is a major problem that restricts the development of legal education in China. Therefore, China should focus on the innovative talent training model, especially the weak link of practical ability training, to change the current law students’ training mode, innovate practice teaching mode, and cultivate outstanding legal talents with social responsibility, innovative spirit and practical ability. [2]

II. INNOVATION ABILITY AND ITS CONSTRAINTS

Innovative ability means that people have the ability to propose new ideas, new theories, new methods, new technologies, new designs, unique views and complete invention and innovation on the basis of learning and inheriting the ideas and experiences of their predecessors.[3]In the cultivation of law students, the ability to innovate requires law students to have the ability to discover problems, analyze problems, solve problems, and further discover new problems in the process of solving problems. As a new teaching practice course and an important means to improve the ability of law students to innovate and practice, the moot court competition training course can deepen students’ understanding and application of knowledge by continuously discovering problems, analyzing problems and solving problems, so as to improve the comprehensive quality of law students.

A. The Restriction of Traditional Training Mode on the Innovation Ability of Law Students

1) Relying heavily on Theoretical Rather than Practical Thinking Direction

In the current law undergraduate education, there is a lack of strong innovation atmosphere. Whether using innovative thinking, innovative perspectives for academic innovation, or innovative approaches to solving practical problems, there is a lack of innovation atmosphere. For a long time, the training program of law education in colleges and universities in China has placed theory teaching in the classroom in the absolute first place. The practice assessment of law education has a very small proportion in the total assessment, which leads to the serious lack of professional skills of law students, so they cannot adapt to legal practice in a short period of time. At the

same time, traditional legal education can not stimulate students' interest in learning and cultivate students' innovative thinking, which is not conducive to the cultivation of students' innovative ability.

2) *Rigid Teaching Mode*

The current undergraduate education is still based on exam-oriented education, the so-called cramming method of teaching. Most of these teaching methods are based on the teacher's explanation, and then the students memorize, which makes not only the poor teaching effect, but also students' difficult use of the knowledge they have learned. And it is impossible to cultivate students' innovative ability and promote the all-round development of students.

In recent years, in order to enhance students' practical ability, major universities have carried out different forms of practical activities, such as attending courts, visiting law firms, and moot courts. However, such activities ultimately have little effect. The reason is that the first few activities make students stay in the perspective of understanding and watching, so that students cannot really use what they have learned, and cultivate the ability to analyze and solve problems. For the development of moot court, most departments of law are integrated it into the classroom teaching of civil law, civil procedure law, criminal law and criminal procedure law. This will lead to the following problem: the moot court is carried out to realize the teaching purpose of the course teacher, so the teacher who teaches the procedural law will focus on the integrity of the procedure, pursue formalized simulation, and gradually make the moot court become a formalistic performance, the teacher who teaches the substantive law will practice and examine the students' handling methods of the case itself, and pay insufficient attention to the standardization of the trial procedure and the writing of the legal documents. Students can't comprehensively carry out moot court training, and they can't really establish an overall consciousness, and comprehensively cultivate the ability of writing legal document, expression, coordination, analyzing and applying. Therefore, the original intention of diversifying teaching mode through moot courts cannot be realized. Students generally only regard it as an assignment, only want to complete it, lack of enthusiasm and initiative, and not really become a protagonist of the moot court, so it is impossible to internalize the positive influence of moot court.

B. *Significance of Moot Court Competition Courses to Cultivate Students' Innovative Ability*

1) *Promoting the Cultivation of Innovative Ability*

As an important part of legal practice teaching, the moot court competition training course closely follows the teaching materials and trains students in the form of competition. On the basis of mastering theoretical knowledge, students can organize and summarize knowledge, and propose effective ideas and practical solutions when facing actual problems. From the perspectives of the principle, purpose and scoring rules of moot court competition, the moot court competition is based on the complicated legal relationship in real life, covering basic legal common sense, relevant provisions of substantive law, filing, jurisdiction and other procedural laws. Its content is highly compatible with legal practice, requiring students to have a

certain degree of innovation in addition to a rich legal knowledge. In the process of participating in the competition training course, students no longer passively accept the knowledge, which greatly broke through the previous mode of teacher's rigid teaching and students' mechanical study, fully mobilized students' subjective initiative, effectively cultivated students' ability to think independently and the sense of collaboration, and strengthened students' understanding and application of professional knowledge. In the process of discovering problems, consulting materials, integrating knowledge, and solving problems on their own, competition will light students' spark of innovation, which invisibly shapes their innovative personality and enhances their ability to innovate.

2) *Promoting the Cultivation of Comprehensive Ability*

Judging from the topics of the moot court competition, the topics are often comprehensive. They are difficult because they are related to multiple aspects of both substantive and procedural methods. Therefore, it not only examines the professional knowledge level of students, but also examines students' verbal ability, logical thinking ability, and on-the-spot response ability during the competition, comprehensively examining students' comprehensive ability.

The effective development of moot court competition can not only stimulate the enthusiasm of law students to learn independently, but also improve their professional quality, cultivate their ability of retrieving documents and obtaining information, analyzing and solving problems, communication, expression and teamwork etc.,[4] to promote the comprehensive ability of law students.

3) *Enhancing Employment Competitiveness of Students*

Participating in the moot court competition can promote the cultivation of students' comprehensive abilities, so that students can have great improvement in the professional knowledge reserve, flexible use of knowledge, expression preparation and on-the-spot response, which are of great significance for the further development of a student in the future. Students who participated in a moot court competition, especially those who performed well in a competition or won a competition award, their employment competitiveness has been significantly enhanced, and they have won more opportunities in going to a graduate school without exams, graduate interview, studying abroad or employment. [5]

In view of many factors that restrict the improvement of innovation ability of law students, the author believes that the reform of moot court curriculum in the undergraduate course of law is an effective measure to improve students' innovative ability.

III. BUILDING A NEW MOOT COURT CURRICULUM SYSTEM

A. *The objective of new moot court curriculum system*

During the process of the reform of new moot court curriculum system in, we should always aim to cultivate students' innovative ability and promote the all-round development of students. Through curriculum reform, students' interest in learning is enhanced, students' ability to use legal

knowledge, team communication and collaboration skills are enhanced. Incorporating various domestic and foreign moot court competitions and legal document writing contests into the curriculum teaching content can open up the horizons of students and provide unlimited possibilities for their future development.

B. The course content

As for the setting of the course content, it is feasible to establish a moot court competition training course system in order to overcome the main problems in a mock court course mentioned above. The content of the moot court competition training course is mainly divided into two parts: theoretical learning and competition practice on the one hand, it does not omit theoretical teaching, but on this basis, it sorts out the existing moot court theoretical learning content and systematizes it; on the other hand, it relies on regular competition activities to fully expand the range of participating students and to change the traditional model of moot court as a dependency of theoretical class. It organizes a moot court competition in the teaching class, centering on the court debate, from filing to closing the case, restoring every link in the court trial process, to establish a practical teaching model. The author believes that the previous theoretical teaching is the basis of the recent competition training, while the recent competition training is the application and test of the previous theoretical teaching, which is also the focus of this teaching model.

C. The teaching methods

In terms of teaching methods, in order to better cultivate compound legal talents, the "trinity" teaching method can be adopted in the moot court curriculum system, including:

1) Taking teaching based theoretical teaching as a cornerstone.

That is to say, the teacher is the main body of the teaching activities, and the students are taught basic legal knowledge closely related to the moot court. By explaining in words, students can systematically understand how to sort out cases, collect evidence, and master professional legal skills such as court debate methods. At the same time, schools can try to introduce extra-curricular resources, improve teaching theoretical model through holding lectures, and accumulate theoretical resources for the practice of moot court.

2) Taking seminar based group training as a means.

By adopting group discussions, students' active participation can be fully improved. In this process, teachers should play the role as the instructor, make students become the main body, and promote students to carry out cooperative inquiry learning to enable them to actively participate in the course. By organizing multiple trainings to train students' independent thinking ability, language organization ability and teamwork awareness, they can fully mobilize students' enthusiasm, initiative and creativity while accumulating abilities.

3) Taking the actual competition as the carrier.

By actively driving students to participate in different levels and scales of moot court competitions, on the one hand, students can be exposed to diverse moot court contents, which

effectively enrich their practical experience in moot courts, familiar with the application of legal skills, and accumulate legal professional quality; On the other hand, the actual process of participating in a moot court competition is also a test of the student's previous courses study. Students can feel the true circumstances when they practice on their own. In the process of actual competition, they can understand their own shortcomings so they can reflect and make up later, and then in the following courses, they can solve the problems in a targeted manner. In a word, it helps to improve students' comprehensive ability of law.

D. The assessment method

In terms of assessment method, in view of the fact that the moot court competition training course is different from the general legal course, it is divided into two parts: theoretical teaching and practical teaching. The practice teaching is the main one, and the theoretical teaching is supplemented. Therefore, it is recommended that the course should not have a special examination, and each practice is included in the performance evaluation system.

IV. CONCLUSION

The nature of jurisprudence determines that legal education needs to pay attention to practical teaching, not just to talk about general knowledge and theory, and it also determines the need to introduce the moot court as a standing course into the legal education. The moot court practice teaching course is introduced from abroad. It started late in China and lacks experience in development. We need to reform and explore new ways to make the moot court curriculum fully play its role in China's legal education. This paper firstly clarified the direction of the reform of the moot court curriculum from the perspective of competition training, and put forward the necessity of the moot court competition training course. By combing the current situation of the moot court curriculum in our country, the author found that although the course teaching has achieved certain results, there are still many shortcomings in the teaching organization, teaching content and teaching subject, and it is urgent to be innovated. Through the analysis of the foreign moot court courses, the author summed up the experience, explored the model construction of the moot court competition training course, and proposed specific reform suggestions from the aspects of teaching objective, course content structure, teaching method, personnel, teaching condition, and assessment method, to build a moot court competition training curriculum system that suits China's national conditions. The construction of the moot court competition training course system has a long way to go. It still needs to be continuously tested in time, continuously corrected in the teaching process, and perfected the course system through specific corrections.

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