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

Xin Li
Government Research Center for Ruling by Law and Integrity, Institute of Politics and Public Administration
School of Politics and Public Administration
Chengdu China
lixinxin116@163.com

Shiqi Zhou
University of Electronic Science and Technology of China
School of Politics and Public Administration
Chengdu China
Zhouqs1996@163.com

Zhi Yang
University of Electronic Science and Technology of China
School of Politics and Public Administration
Chengdu China
292397697@qq.com

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 of 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 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 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 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 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 ability to analyze and solve problems.
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.

REFERENCES


