The Role of Case Teaching Methodology in Law Education

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Abstract

Traditional teaching method of law education is that teachers play an important role in the class and students seldom take part in the process. Obviously, the weakness of traditional teaching method is lack of positivity and learning initiative, so new teaching method are needed. Case teaching is an important method in law education; therefore, it should be used in law education. This paper is elaborating the role of cases played in law education and how to put it in practice.

Keywords: case teaching, law education, moot court

1. The concept and mode of case teaching methodology.

Case teaching methodology appeared in ancient Roman times and ancient Greek times. In 1829, England scholar Byles made use of case teaching methodology in law education for the first time. In 1870, professor Christopher Columbus Langdell introduced case teaching methodology in law education and expand it actively when he was in charge of Law school dean in Harvard University, therefore professor Christopher Columbus Langdell was honoured as the great reformer of Harvard law school.

Case teaching methodology is that cases are widely used in class and students master law theory and law knowledge by discussing and analyzing cases. In this process creative thinking has been awoken, the ability of analysis and problem solving has been improved. Case teaching methodology has several modes and the following modes are usually used in our college law education.

1.1 Case discussion in class

Cases are selected after teacher’s lecture, then several questions are produced to students and discussed by students. Students will master law knowledge they have learned well and have a deep understanding of law theories after case discussion. What the most importance is that students will get how to solve legal disputes, furthermore legislation defects would be discovered.

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We can try to do as follows:

A class is divided into three stages: the first stage is devoted to teaching the basic issues of the course, such as concepts, characteristics, principles, etc., including the introduction of the same problem and the different opinions and reasons of different schools of thought. At this stage, we can also systematically introduce relevant theoretical issues. The second stage is to use 1/3 class time to talk about typical and difficult cases in a targeted way, and then let the whole class discuss them. In particular, students should be encouraged to put forward a variety of different ideas. In order to improve students' ability to think independently, the third stage uses 1/3 class time to sum up, comment on students' viewpoints, and put forward their own views at the same time.

1.2 Trials are watched

This model is indispensable in the current law teaching in colleges and universities, and it is also a widely used practical teaching form. That is, the combination of schools and judicial departments to carry out teaching. Juniors and seniors will watch the whole trial process of typical or difficult cases, the purpose of which is to give the students a comprehensive understanding of the various proceedings and to observe the judge's handling skills and the comprehensive legal ability of controlling the trial procedure. At the same time, students will understand the different status and role of the main body of the lawsuit relation and the subject of the lawsuit in the trial. The application of law not only emphasizes the substantive law, but also the procedural law is extremely important. In order to realize the legal justice, we should not only do the substantive justice, but also the procedural justice in order to improve students' understanding, analysis ability and achieve the improvement of comprehensive quality.

1.3 Moot court

The mock court is a good way to cultivate the students' practical ability to utilize the law theory into practice. Trial watching is confined to observing, thinking and understanding, on the other hand, on the basis of observing the trial, the simulated court trial applies the theory of legal knowledge learned to practice synthetically. This is the comprehensive involvement of the students in the simulated litigation activities and plays a variety of litigation roles. This is a comprehensive exercise that reflects students' learning and mastering various theories of legal knowledge.

1.4 Case debate

In recent years, there are lawyers TV debate competition held in various provinces and cities, which can be used in law education. Cases which are representative and controversial in juridical practice could be chosen, students are divided into several groups. Each group is divided into two parties debating on a case. This way can make all students try to find a suitable legal basis for your argument, which is closer to the lawyer's occupation requirements to provide legal services for clients, safeguard the legitimate rights and interests of clients.
2. The limitation of traditional law teaching

Though case analysis has been existed in law teaching, teachers play an important role in the process, so students seldom take part in the discussion and analysis. The limitation is obvious that is as follows.

2.1 Enthusiasm for learning unable to be aroused

In the traditional "spoon-feeding" class teaching, teachers tend to systematically and completely teach the theoretical knowledge of the legal system, emphasizing meaning, characteristics, nature, significance, historical development, legal norms and so on. Students passively accept and memorize the law system and theory. Students only read blackboard and take notes in class, resulting in the mode of "taking notes, copying notes, memorizing notes, and taking notes for examination" during the study progress. The subjective initiative of learning can not be aroused.

2.2 No benefit to the cultivation of students' independent thinking and legal thinking

If traditional teaching methods are only used, students listen passively in class and rarely think actively or ask questions, which leads to poor understanding and analysis ability of students, so the legal thinking is not conducive to be formatted.

2.3 Legal theory is seriously divorced from reality

On the requirement of quality-oriented education, it is very important to cultivate students' practical ability. However, the college education in our country generally shows that students' practical ability is too poor, and the students majoring in law are no exception. It is very important to improve the practical ability of law-major students, because the law talents we train are the senior talents who are specialized in solving practical problems. Therefore, emphasis should be placed on the cultivation of the ability of law-major students to use and operate the law in practice. The major of law is a practical and applied specialty, which requires the combination of theory and practice. The lack of proper necessary practical cases not only hinders students' profound understanding of theory, but also does not enable students to understand how to apply the law to solve problems.

3. Necessity of case Teaching method in Law Teaching

Due to the differences in the legal culture and the historical tradition of the law, the case teaching method plays a leading role in the law teaching in the Anglo-American case law countries. However, in the countries of continental legal system, the teaching of law has been neglected to some extent. Since the 1990s, the law departments of our universities have studied the advanced experience of foreign countries and started to pay attention to the case teaching. Practice has proved that the case teaching method has certain superiority.

The author had adopted the "case debate" model in the case teaching method. The students are divided into ten groups, one case per group, each group of students divided into two sides, the civil case is the plaintiff and the defendant. The criminal case is for the prosecution and the defense. The students of both sides stand in their own position to explain the reasons and legal basis.

Most of the students were conscientious, prepared sufficiently and consulted a lot of
relevant materials. This activity proves that the superiority of the case teaching method is incomparable to the traditional teaching method.

At first, classroom atmosphere is enlivened and students' enthusiasm for study is aroused.

The implementation of case teaching can give full play to the dominant position of teachers and the main position of students. They are equal in the process of teaching activities. Teachers can clarify their own views on cases, and students can also express their opinions on cases.

Secondly, it is beneficial to the cultivation of students' legal thinking.

The status has been changed in the teaching process that is teachers play a leading role and students in a passive acceptance. Knowledge dissemination and capacity development are organically integrated. Teachers introduce questions about cases to students, which inspires students to always maintain a positive state of mind and enables students to seriously think and get the answers.

Through case teaching, free discussion and debate can be found between students and students, between students and teachers, both sides can fully state their views and reasons. The reasons and their arguments are fully expressed, which makes us understand the corresponding problems more and more clearly and deeply, thus strengthening the understanding of the legal norms and legal provisions, and at the same time contributing to the formation of legal thinking.

Thirdly, students' ability to solve problems by law can be improved.

The case-based teaching method can carry out the principle of integrating theory with practice. Teachers use case as an intermediary in teaching, so that students are placed in concrete practical activities, so students have a strong sense of participation. This method not only clarifies the basic theory and principle of law to students, but also improves the ability of students to use the knowledge they have learned in practice to solve specific practical problems.

In summary, law is a very practical subject. Traditional teaching method is not enough to train students' legal thinking and is difficult to improve the students' ability to analyze and solve problems with legal knowledge. It is very necessary to introduce case teaching method in law teaching.