

## STUDIES ON THE STANDARD AND MODEL FOR CULTIVATING OUTSTANDING LEGAL TALENTS<sup>1</sup>

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### Abstract

Facing China's higher legal education current problems, especially problem like legal graduates lack of excellence, the ministry of education has started an education and cultivation plan for outstanding legal talents. To cultivate outstanding legal talents, the first thing is to set up clear cultivation standard which should have the ability to cultivate comprehensive knowledge structures, certain foreign languages, practical abilities, and good legal professional ethics. Only when such standard was set up, we can further continue with the exploration and revolution of talent cultivation mode and measurement.

**Key words:** Outstanding legal talents; Cultivation Standards; Cultivation Mode

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### INTRODUCTION

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With over 30 years of reform and opening-up, China's higher legal education has gained great development, cultivated large amount of legal professionals for every industry of the country, and made irreplaceable achievement for the development of economical society, especially the construction of Socialist democracy and the legal system. However, there are still some problems in China's higher legal education. Law major graduates' lack of "excellence" attribute is one of the major

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reasons that current higher legal education was criticized by the society. Improve legal talents cultivation quality has become the most urgent task of China's higher legal education reform and development. According to "China's middle and long term education development strategy planning", the ministry of education and Central political and legal affairs committee jointly issued the "Several opinions on the implementation of outstanding legal talent education and cultivation planning" on December 23, 2011 which announced the formal start up of carrying out the outstanding legal talents education and cultivation planning.

The cultivation of outstanding legal talents should base on clear talents cultivation standards. Explore and reform talents cultivation mode so that to satisfy society's requirement on legal talents and thus cultivate practical, innovative, and comprehensive legal talents.

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## 1. OUTSTANDING LEGAL TALENTS CULTIVATION STANDARD

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(1) Have Comprehensive Knowledge Structure. Through the construction of general education curriculum system, specialty core curriculum system, extending course system, English teaching course system and practical teaching course system, train law talents with wide range of social science knowledge and solid professional knowledge. Teach students systematical legal professional knowledge, let them grasp every course's basic theory and knowledge, familiar them with 16 courses' related theories; master basic legal analysis methods, such as comparative study method, logic analysis method, deductive method, combination of theory and practice, historical analysis method, etc.; master necessary management, economic, cultural knowledge which is required by engaging in modern legal professions, for example, political theory, basic theory and the practice of socialist market economy, applied psychology, domestic and international situation and policy, etc.; have good foreign language knowledge; and master basic ways of literature search and data queries.

(2) Have certain foreign language ability and cultivate legal talents with excellent foreign language ability. Students who learn a minority language usually have a better understanding of the subject countries' situation, political system, and legal system. On the basis of solid legal professional knowledge, they may have the ability to handle foreign-related legal practices with the knowledge of foreign laws, international laws, comparative law and knowledge structure.

(3) Have stronger practical application ability. Strong practical application ability includes the ability of engaging in legal profession and the ability of provide service for the society. Practical application ability is the core ability of outstanding legal talents. It requires legal professionals to combine legal professional knowledge with legal practices, effectively make use of legal professional knowledge to resolve practical problems, enrich legal professional knowledge in legal practices, and further improve the ability of using legal professional knowledge. Applicable legal talents should have high political theory quality, strong ability in finding, analyzing, and resolving problems in legal practice, can use laws and related theoretical knowledge to resolve practical problems in a flexible way and have high ability in doing legal businesses. Meanwhile, outstanding legal talents should focus on the

trend of the society and have modern spirit. Nowadays, Chinese society is now in a new transformation period. Jumpy working conditions, human relation conditions, thinking condition and open-up social environment all have brought new requirements for application talents' adaptability, cooperation ability, interpersonal ability and other abilities. Outstanding legal talents must have the ability of coping with social environment changes in certain degree or their legal application ability may be influenced by the changes of social environment. To serve the society also requires them to have innovations. "Innovation is the soul of a nation's progress and also the inexhaustible driving force for the prosperity of a country." Innovative thinking requires people to highlight conventions and jump out of the given set of thinking to solve problems. At present, the problems in the legal practice in China emerge endlessly, excellent legal talents must be able to analyze and solve various problems in legal practice creatively. It is also an important guarantee for continuous development of legal talents.

Fourth, have good legal professional ethics. Law ethics includes two aspects, namely legal professional ethics and legal professionals' individual moral character. Legal professional ethics is formed in the legal occupational activities reflecting legal professional ethics relation and is the code for regulating legal professional community ethics; legal professional ethics maintains the good status and the dignity of legal profession from internal point. Legal professional individuals' moral character is the internalization and abidance of legal professional ethics during professional activities which concentrated expressed by individual thoughts and feelings and the level of personal characteristics. Good legal professional ethics is the necessary condition for becoming outstanding legal talents.

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## 2. OUTSTANDING LEGAL TALENTS' CULTIVATION MODE

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First, expand practice area. In accordance with remarkable legal talents cultivation target and standard, further increase the proportion of practical teaching activities and evaluation in teaching program and students' achievement evaluation system. The construction development goal is to broaden practical teaching fields. In addition to increase legal clinics and the amount of students of practical teaching, we still need to promote universities' and colleges' practical legal education via standardized and high quality case studies, internship and practice guidance, simulating trainings, and more educational activity forms. In addition, we should conduct legal advice and legal aids and other activities in conventional practices to improve students' comprehensive quality and ability.

Second, set up joint training system. We should base on the actual needs of legal practice departments to explore joint cultivation mechanism. On one hand, pay attention to real needs of practical legal departments dynamically, in due time change the detailed modes and methods for cultivation accordingly, strengthen the combination of theoretical courses and practical courses, core legal concepts and modern social practice, try our best to educate practical and comprehensive legal talents, and actively introduce talents to different cooperating unites in the society; on the other hand, by actively seeking diversified training partners, update original cooperation mode, increase fixed supporting practice bases, provide students with more pertinent and effective practice opportunities, cooperate with practical legal

departments to establish more practice bases, and establish long-term joint training mechanism, so as to promote the connection between legal education and legal profession.

Third, build multi-form practical teaching system. According to the practical and excellent legal talents training target, mainly based on legal major students' practical application ability, social service ability, innovation ability and legal professional ethics culture to build a multi-form practical teaching system that reflects the combination of teaching and scientific research as well as theory and practice. Set different practice goals and practice ways for students of different levels during practical internship. For lower grade undergraduates, enhance students' perceptual knowledge in legal practice through empathic learning in legislature and judicial authorities so that to increase the knowledge of students' practical operations. For senior undergraduates, join in moot courts, legal clinics and other activities and courses, as well as to the practical teaching base for a long time professional internships to improve practice ability.

Fourth, reform teaching methods. Cultivate excellent legal talents, pay attention to the reform of law undergraduate teaching methods, select proper teaching methods according to the rule of law subject characteristics, teaching objectives and teaching contents. In practical teaching, pay special attention to the cultivation of students' practical application ability of knowledge, adopt clinical teaching method, case studying teaching method, heuristic teaching, and discussion-based teaching method and so on, cultivate students' thinking ability, analytical ability, and expression ability, etc., and carry out thinking methods training for students. At the same time, pay attention to the method of comparison, advocate eliminating barriers between different legal subject teachings, strengthen the integration between the different legal subjects and subject teaching crossover study in theoretical teaching.

Fifth, build a practical teaching evaluation system. The practical teaching quality evaluation system includes the establishment of normal and feasible practical teaching outline, practical teaching plans, comprehensive survey index for practical teaching situations, quantitative assessment of practical management and students' evaluation on practical teaching achievements. Practical teaching quality evaluation system is a system that evaluates and controls quality and pays attention to practical process and practical effect of which the process control is the key aspect so that to ensure the effectiveness of the practical teaching process, make sure the practical teaching quality get improved, and improve social satisfaction on students' practical ability of social units and employers.

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## CONCLUSION

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How do universities and colleges carry out outstanding legal talents cultivation program is an important task in deepening higher legal education reform. The primary problem needed to be resolved is to set up clear cultivation and education target. With the guidance of such aim, to further reform and change cultivation methods and pathways, and try to explore an outstanding legal talents cultivation mode that follows society requirements and legal education regulations.