

# THE APPLICATION OF CASE TEACHING METHOD IN THE UNDERGRADUATE LEGAL EDUCATION: DILEMMA AND SOLUTION

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## ABSTRACT

Case teaching method is more vivid than the traditional teaching method, and easier to arouse the enthusiasm and initiative of students, which plays a significant role in cultivating high-level applied legal talents. This paper explores the problems associated with the case teaching method in the undergraduate legal education in China, and attempts to provide four suggestions to improve it, including selecting targeted teaching cases, providing students with enough time to think and discuss by mixed teaching method, actively guiding students, and providing timely feedback and positive evaluation mechanism.

**Keywords:** case teaching method; undergraduate legal education; limited time; mixed teaching method

## INTRODUCTION

In the traditional legal education, teachers pay more attention to the teaching of conceptual theoretical knowledge, and students have an overall understanding of the basic knowledge of law in the cramming teaching, which lays a foundation for solving practical problems. However, most of the traditional classroom teaching is to inculcate legal rules and other contents to the students according to the teaching materials, which is empty and lifeless, and the students can only passively accept the theoretical knowledge that is disconnected from the actual life. By contrast, the case teaching method can make the content taught by teachers more vivid, bringing fresh judicial experience and vivid case practice into the classroom, shortening the distance between the knowledge in the textbook and the actual operation in the judicial process, enhancing the ability of students to solve practical problems, and enabling them to have a deeper understanding of the practical application of legal knowledge. Although the case teaching method is more vivid than the traditional teaching method, and it is easier to arouse the enthusiasm and initiative of students, there are still many problems in its application in the undergraduate law teaching in China. Based on the author's teaching experience, this paper will explore the problems of case teaching method in the undergraduate legal education in China and attempt to propose solutions.

## CURRENT STATUS OF THE CASE TEACHING METHOD IN THE UNDERGRADUATE LEGAL EDUCATION IN CHINA

The case teaching method was first created in Harvard Law School in the United States.<sup>i</sup> It takes court cases as the teaching content to guide students to fully discuss and conduct detailed analysis. Subsequently, as a systematic teaching mode, it has been promoted in legal education in various countries. The case teaching method was first introduced in the legal education of colleges and universities in China in the 1990s.<sup>ii</sup> Case teaching method is a teaching method based on cases. In essence, it uses specific cases as the content of discussion and analysis to urge students to realize and master the legal norms and legal spirit contained in them through induction and deduction, which is manifested as “teachers ask questions and students discuss questions”. The case teaching method is not an independent teaching method. It can be flexibly

applied in various forms in the undergraduate legal education. In combination with teaching practice, major universities often use the teaching methods of classroom case discussion, moot court and legal clinic to conduct case teaching.<sup>iii</sup>

Classroom case discussion is based on the traditional theoretical knowledge teaching of a certain course, and the typical cases are selected to organize students to discuss the basic knowledge of the course. In this link, teachers should try their best to mobilize the enthusiasm and participation of students, guide students to use the theoretical knowledge they have learned and consider and analyze cases in combination with relevant legal norms, and encourage students to actively express their views. Due to the limited class time, students can also be divided into several groups, and representatives can be selected to speak and express their opinions. Then, the teachers summarize and comment on the speeches of each group, and allow students to question the views of the teachers. In this process, students really participate in the discussion, which is helpful to understand their weaknesses in time, find out their shortcomings, and be more targeted and purposeful in future learning.

The teaching method of moot court is to conduct a mock trial with the help of a moot court laboratory under the guidance of teachers, with students as the leading role. At present, most colleges and universities have built moot court laboratories, equipped with uniform clothing and related facilities, creating a solemn and serious atmosphere, and providing strong support for the development of moot courts. Under such a teaching mode, it is easier for students to play a certain role and participate in litigation activities. At this time, students should not only master the theoretical knowledge of substantive law, but also be familiar with the legal provisions of procedural law. The specific operation mode is as follows: first, the teacher selects the simulation case with novelty and arguability; Secondly, fully consider the students' own conditions and personality characteristics to select judges, prosecutors, lawyers and other roles, or let the students volunteer to play the roles they like and are good at. Next, the students do a series of pre-trial preparations such as collecting evidence, analyzing the case and preparing a composition according to their own roles; Finally, during the whole process of the simulated trial, each participant conducted the simulated trial according to the pre-trial preparation, and the teacher made the final comments, focusing on whether the focus of the case is accurate, whether the facts are clear, whether the evidence is conclusive, and whether the applicable law is correct.

The teaching method of legal clinic is an innovative case teaching method, which shows that students deal with real cases in society under the guidance of teachers. When students are exposed to real cases, they have responsibilities and corresponding pressure. Therefore, they are more active in consulting materials, learning relevant theoretical knowledge, solving legal problems encountered, and effectively changing the passive and passive learning mode of students.<sup>iv</sup> In this process, students learn not only legal knowledge, but also experience the process of lawyers handling cases, train legal logical thinking, learn to clarify the facts of cases, and improve their comprehensive application ability. At the same time, because the teaching method of the legal clinic adheres to the concept of “student-oriented”, the teachers only play a leading role, and the participation of students runs through the whole process. The learning effect is naturally obvious.

## **PROBLEMS OF AND REASONS BEHIND THE APPLICATION OF THE CASE TEACHING METHOD IN THE UNDERGRADUATE LEGAL EDUCATION**

First of all, the case teaching method advocates a student-centered classroom model, but in the specific application of business law teaching, the participation of students is not high. In other words, in the teaching of business law, in order to help students understand the basic knowledge points such as the legal provisions, the author will provide some case questions for students to think and discuss after explaining the knowledge points. However, the classroom time is limited, and the application and analysis of legal knowledge points are also difficult, which leads to insufficient time for students to think and discuss and low participation. At the same time, in order to better explain the contents of the next class, the author will also provide a controversial case before the beginning of each class for the students to collect data and preview independently for discussion in the next class. However, during the class, we did not receive the effect of heated discussion. It can be seen that this low level of participation occurs not only in the case discussion in class, but also in the case discussion before class.

Secondly, the interactive question and answer in the case teaching method did not achieve the expected effect. Interactive question and answer method, also known as Socratic question and answer method, is the essence of case teaching method, which emphasizes the interaction

between teachers and students. Although the good effect of the question-and-answer method is mentioned in many literatures, its effect is not satisfactory in the specific application. Specifically, in the classroom teaching, although some students participate in the question-and-answer method, in the whole interactive question and answer, they generally stop at the answer of “the law stipulates” or “the court decided”. Secondly, due to the lack of classroom time, teachers tend to spend too much time on explanation when using case teaching method, and do not put the cultivation of students' ability to analyze and solve practical problems in a prominent position, thus failing to achieve the good effect of free debate.

Furthermore, the application of case teaching method cannot keep pace with the times is also a big problem. The laws of a country are constantly revised and perfected with the development of society, so how to select representative excellent cases is the core task of case teaching method. However, during the course of listening, the author found that some teachers still use old cases to explain the knowledge points, and the legal provisions are also the provisions of the old law. This practice not only fails to give full play to the advantages of the case teaching method, but also misleads students and has a negative effect.

The author believes that there are three main reasons for the problems of the above case teaching method. First, the case analysis itself is time-consuming. Each class is only 45 minutes. Apart from the teacher's lecture time, the time left for students to analyze the case and discuss is far from enough. The lack of classroom time not only affects the participation of students, but also affects the final effect of case teaching method. For students to analyze cases before class, due to lack of theoretical knowledge, students are often unable to find the appropriate point between problems and teaching, and long group discussion is not conducive to stimulating students' next discussion. Second, in most cases, the number of undergraduate law students in Colleges and universities is large, and their personality differences are large, which also causes difficulties in the group discussion of case teaching. It is also a big problem how to organize effective groups so that students can fully discuss and express their views, and facilitate the integration of opinions. Third, the case teaching method also has high requirements for teachers. If teachers do not carefully select cases in the course of lesson preparation to make them consistent with the knowledge points and representative, it is difficult to stimulate students' interest and resonance.

## **SOLUTIONS TO IMPROVE THE CASE TEACHING METHOD**

In view of the problems associated with the case teaching method in the undergraduate legal education teaching in China, the author attempts to put forward the following suggestions.

First, selecting targeted teaching cases. The selection of cases should have the following characteristics. (1) Purposefulness. Teachers must make clear the teaching purpose, that is, the effect to be achieved through case teaching. The lack of purposeful case selection will inevitably lead to confusion in the process of application. (2) Advancing with times. Generally, the cases within the effective jurisdiction of the current laws and regulations are preferred. At the same time, they should be close to life and choose the most vivid cases. (3) Representativeness. The selection of cases can not only achieve the purpose, but also be typical; It can not only reflect the focus of teaching, but also give consideration to the systematization of knowledge. (4) With moderate difficulty. The selection of cases should be based on the current learning characteristics of students and also consider the degree of acceptance of students. This requirement means that teachers should spend time and energy to study the teaching purpose and content, and search for typical cases in order to facilitate the development of case teaching method.

Second, providing students with enough time to think and discuss. In order to enable students to have full discussions in limited class time, teachers can issue case discussion materials in advance to let students think in advance. At the same time, MOOC, superstar and other online teaching platforms can also be used for online and offline mixed teaching. For general knowledge points, let students learn online first, and then arrange case thinking questions for full discussion in offline class. In addition, the whole class can also be divided into several fixed groups. One or two groups are responsible for discussion and the other groups make comments during each case discussion, so as to form an orderly and interactive classroom discussion atmosphere.

Third, actively guiding students. In the classroom discussion of students, teachers should play the role of director, have the ability to control the classroom and create an atmosphere of free discussion. Teachers can make students express their opinions and lead the discussion in depth by means of prompts, questions, and rhetorical questions. At the same time, based on the actual situation of students, we should avoid such phenomena as deviation from the topic and cold

reception, and stimulate students' subjective initiative. For some controversial issues, teachers can ask each group to send a representative to state the group's views and propose reasonable solutions.

Finally, providing timely feedback and positive evaluation mechanism. After the students' discussion, the teacher should comment on the students' speeches. Before the comments, some students can summarize the speeches of each group, so that they can find the highlights and shortcomings. Other groups that have not spoken can also comment on the groups that have spoken, forming a mechanism for students to evaluate each other. When commenting, teachers should be good at finding the bright points in students' speeches, give appropriate encouragement, and emphasize the corresponding textbook knowledge. In addition, we should also put forward their shortcomings, and emphasize what legal knowledge points are involved in the teaching materials, and then propose improvement measures. At the same time, a certain evaluation mechanism should be introduced to score students according to their preparation, speaking level, adaptability and team spirit, which should be included in the course assessment. It not only makes students feel the pressure of learning, but also improves their practical ability in the discussion.

## **CONCLUSION**

The ultimate goal of studying law is to apply it. Case teaching method is a teaching method that conforms to the cognitive law and psychological needs of law students, and plays a significant role in cultivating high-level applied legal talents. However, there are still many problems in the current case teaching method in law undergraduate teaching, which need to be improved. Therefore, law teachers should follow the trend of the times, choose targeted cases for teaching, and innovate the teaching mode with the help of the Internet and other teaching platforms, so as to give students more time for class participation and discussion, and explore effective incentive mechanisms, so that the case teaching method can achieve due results.

## ENDNOTES

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<sup>i</sup> See Fan Wei, 'Application of Case Teaching Method in Law Teaching' (2018) 11, Contemporary Teaching and Research Forum, p 41.

<sup>ii</sup> See Wei Yuexia & Chen Guihua, 'Reflection on the Practice of Case Teaching Method in the Undergraduate Legal Education in China' (2013)10 Administration and Law, pp 72-75.

<sup>iii</sup> See Li Fangfang, 'Application of Case Teaching Method in Undergraduate Law Teaching' (2022) 6 Legality Vision, pp 167-168.

<sup>iv</sup> See Liu Xiaoming, 'Research on teaching Methods of Law Clinic' (2021) 2 (31), Journal of Zunyi Normal University, pp 37-43.

