

The Training Path of Legal Talents in China's "New Era"

American Journal of Education and Learning
Vol. 7, No. 2, 123-132, 2022
e-ISSN:2518-6647



 **Shiyong Song**

School of Political Science and Law, Qilu University of Technology (Shandong Academy of Sciences), Jinan City, Shandong Province, China.
Email: songshiyong@qlu.edu.cn

ABSTRACT

The training of legal talents has been popular in colleges and universities in China, but the social employment situation of law graduates is not optimistic. One of the basic reasons is that higher education of professional law in China was confronted with such variety typical problems as relatively large number of law schools, funds shortage, school leaders lacking sustainable awareness. At the same time, it is difficult for college students to have real legal practice opportunities to improve their legal practice ability. The purpose of this paper is how to improve the effectiveness of legal education in the current situation of the increasing popularity of big data and artificial intelligence (AI). In China, the judicial resources represented by AI have been widely used in practice, but the law teaching in colleges and universities has not adapted to this situation in time. By using the method of data analysis, this paper expounds that in addition to building Marxist colleges in colleges and universities to ensure their political awareness, the Chinese government should increase the investment in higher legal education, further maintain the number of legal higher education institutions, and incorporate real-time tracking such as the application of artificial intelligence in judicial practice into the curriculum in time. This is the key to cultivate talents of rule of law in the "new era". At the same time, sound legal psychology should also be the core of "Rule of Law Talents".

Keywords: *AI legal resources, Employment, Higher law education, Legal clinics education, Marxist theory, Psychology, 1+1+1, Rule of law talents, Student-centered, Sustainability.*

DOI: 10.55284/ajel.v7i2.734

Citation | Shiyong Song (2022). The Training Path of Legal Talents in China's "New Era". *American Journal of Education and Learning*, 7(2): 123-132.

Copyright: © 2022 by the authors. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<https://creativecommons.org/licenses/by/4.0/>).

Funding: This research is supported by Key Teaching and Research Projects of Qilu University of Technology (Shandong Academy of Sciences) of China (Grant number: 2020zd26).

Competing Interests: The author declares that there are no conflicts of interests regarding the publication of this paper.

History: Received: 25 August 2022/ Revised: 10 October 2022/ Accepted: 21 October 2022/ Published: 2 November 2022

Publisher: Online Science Publishing

Highlights of this paper

- The author believes that colleges and universities guide practical tutors who master the legal resources of AI into the classroom, and tell students about the convenience, efficiency and limitations of using AI to handle cases, as well as the stories behind the cases.
- It plays a key role in cultivating the sound legal psychology of law students by integrating emotion with law and morality with law. This is also the development direction of legal education under the background of the "student-centered" teaching mode of "1+1+1" (the middle one is a student, and the two sides of the "1" are theoretical tutors and practical tutors respectively).
- At present, colleges and universities do not pay attention to the above problems, which is also the purpose and originality of this paper.

1. INTRODUCTION

“Rule of Law Talents” is the most important force to comprehensively promote the sustainable development of the rule of law. Colleges and universities are the main front for training "talents under the rule of law". Education is consist of the fourth objective of Sustainable development goals (SDGs) of the United Nations (UN) Figure 1 the goal of education is indivisible other 16 ones in UN 2030 Agenda for Sustainable Development. Sustainability is the tasks of all university (Wright, 2010) at the same time, Sustainability is also one of the biggest societal challenges of the 21 century (Ramísio, Pinto, Gouveia, Costa, & Arezes, 2019). Sustainability of “Rule of Law Talents” education is the most important support to comprehensively promote the sustainable development of the rule of law in China. Colleges and universities as the main front for training "talents under the rule of law”, there are many practical problems in personnel training. For example, in the existing teaching mode, students are not really centered, but teachers are still centered; Law teaching in colleges and universities doesn't really pay attention to judicial practice and so on. There are many practical problems in personnel training, for example, in the existing teaching mode, students are not really centered, but teachers are still centered; Law teaching in colleges and universities doesn't really pay attention to judicial practice, etc. This teaching mode, which can't integrate theory and practice well, leads to the continuous questioning of the sustainability and effectiveness of law education in Higher Leagal Education Institutes (HLEIs).

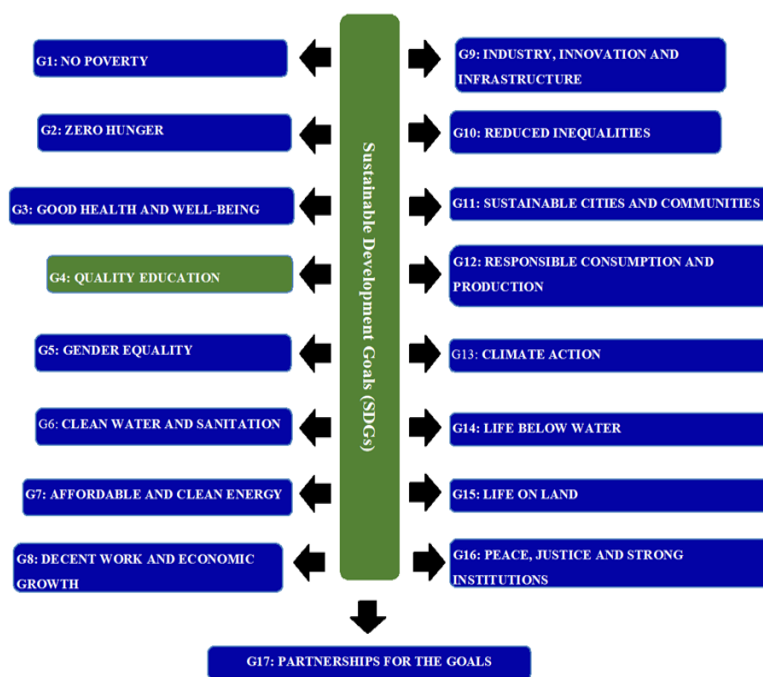


Figure 1. SDGs and it's 17 goals.

The strategy of governing the country according to law is being implemented in various fields in China. It is high time to achieve a sustainable society in accordance with enhancing awareness of the rule of law, to strengthen national capability according to law. More duty about legal propaganda and law ability training were afforded in higher legal education in colleges compared to primary and secondary education. The situation was not optimistic either to empower individuals to act legally, or to ensure government govern by law in a sustainable manner. The role of university's legal education in country's sustainable development goals was not recognized by society entirely. At present, many colleges and universities claim to be "student-centered", but in the actual teaching process, it is still more of a "teacher-centered" teaching model. Many teachers of law major lack practical experience, especially many doctors of law. After graduating from university, they finish their master's degree and doctor's degree successively, and then go directly to university teaching. This kind of teacher and teaching mode can't guide students to truly form their psychological perception of the practicality of law from the heart, and even more can't fully accept the law, believe in it and practice it psychologically, which leads to the disconnection between the teaching effect and the actual needs of the society, and seriously hinders the process of comprehensively administering the country according to law.

Despite the best efforts of the educational authorities and universities, there is still a long way to explore the practice of law education in universities, and there are still many difficulties in exploring the solutions of deep learning and effective learning for law students from the perspective of psychology.

2. LITERATURE REVIEW

In a process of advancing law-based, all Chinese people were acknowledged that the social responsibility and sustainability initiatives were integrated at Higher Education Institutions (Leal et al., 2019). HLEIs were important roles of sustainable development, more stakeholders expect them to be sustainable organizations. But we all know that many challenges need to overcome before they become sustainable organizations' that more stakeholders expect (Aleixo, Leal, & Azeiteiro, 2018). More schools in HLEIs incorporate sustainability into teaching. But these curricula reforms were far from at the point of sustainable development (Watson, Lozano, Noyes, & Rodgers, 2013). Universities were generally roles of innovation and success. Now, colleges must undertake a new role of innovation: to take effective measure to sustain the success achieved (Krizek, Newport, White, & Townsend, 2012). HLEIs afforded the fundamental and professional legal education works for national SDGs.

More than under-acknowledged, Chinese higher legal education plays an important role in anthropogenic environmental change. Chinese higher legal education shaped and qualified ones to become lawyers, judges and policy makers. Chinese legitimate environmental practices would not be prohibited without higher legal education (Graham, 2014). The legal norms of sustainable development would involve such aspects of social activities as extensive, covering private law, public law and social law. Meanwhile, sustainable development not only involved contemporary people, but also involved future generations. Therefore, the tentacles of the law of sustainable development should be extended to future generations in time, in species as well as in space. The law of sustainable development should be adjusted the relationship among contemporary people and future generations. More than relationship between people, relationship between people and the ecological nature should be adjusted as well. Above all leaved the traditional law in the dust.

Generally, colleges, universities and other HLEIs had participated in such sustainable development construction as inner Marxism school according to the order of Ministry of Education. Marxist theory belongs to the first-level discipline of law. The goal of Marxist theory is to ensure the correct direction of Chinese ideology and to ensure that Chinese college students establish the belief of communism psychologically. Marxism school

education was important for the realization of Chinese sustainability as a typical characteristic socialist country. Enough funds were obtained by each Marxism school from Chinese Ministry of Education.

As professional law school, HLEIs was to provide legal talents for all sectors. The graduate quality and the rate of employment were not optimistic albeit more HLEIs were constructed. The prominent obstacles to achieve sustainability involved three sectors: destitute, ignorance and obsession (Wright, 2010). Sustainability incorporation of HLEIs was a learning process. Such element as union ideology, active action, government, public, HLEIs, HLEIs, teachers and students to participate and support was dispensable to learning process (Barth, 2013).

Law is a practical discipline, practice training for all law students. In general, legal clinics education plays an important role in HLEIs education. Legal clinics education can meet the standard of satisfaction, permanence and frequency of training with its practicality and low cost (Meghdadi & Nasab, 2011). Legal clinics education was integrated in all curriculum of Chinese HLEIs albeit without an ideal result.

3. MATERIALS AND METHODS

In the "New Era" of China, legal education was deeply strengthened by continuous expansion of the law major enrollment (Figure 2). It was found that the employment rate of the law major was lower than the average national undergraduate employment rate from 2008 to 2018.

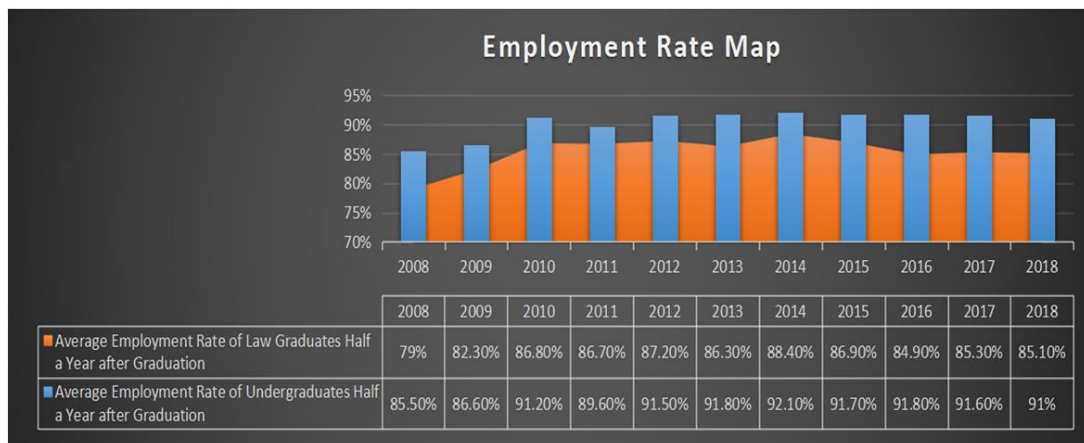


Figure 2. Employment rate of Chinese undergraduate law graduates from.

From 2010 to 2018 (2016 beyond), it was found that the law major was ranked high in the “Red Warning List” of employment (Figure 3). Results indicated that the employment situation of law major was severe. The employment situation of law major was deeply reflected with China's HLEIs.

One arduous test of survival would be faced with China's higher legal education when HLEIs continue to blindly pursue the number of students while ignoring the quality requirements of social demands. The quality of education would be effectively improved with the most important basic requirement when the rule of law comprehensively promoted by the current era. However, at present, it is difficult for graduates of higher law education in China to get in touch with the real legal practice business in an effective time during their study in the school. Most colleges and universities only complete the legal practice teaching content in the form of observation, mock trial or social investigation. Students can't establish real legal practice thinking, and their legal knowledge is still at the level of theoretical memory, which can't effectively solve practical legal problems. The fundamental reason is that students' legal psychology is not perfect, immature and incomplete.

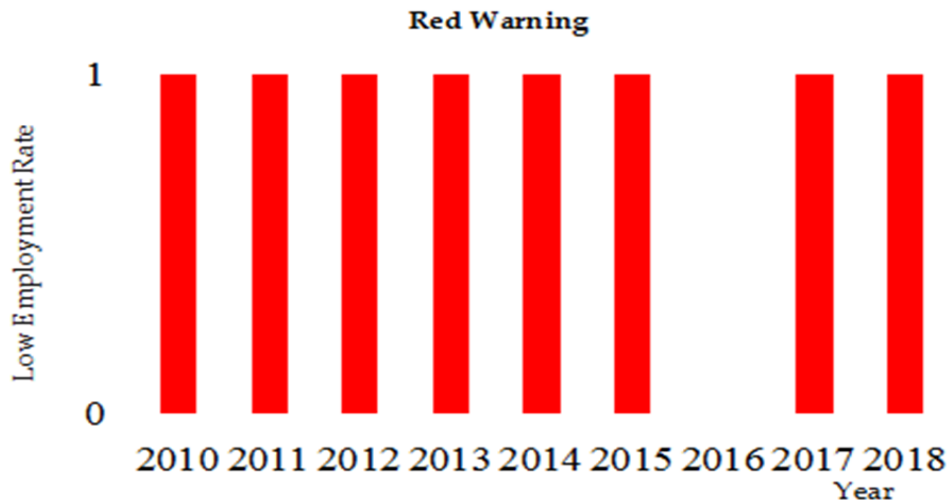


Figure 3. Employment red warning list from 2010 to 2018.

Note: Based on the Statistics of 6 Majors with Employment "Red Warning Card".

4. RESULTS

Here, legal professional ethics literacy included the training subjects and the cultivated objects (Figure 4). Such macro aspects as nation, society and school play the role in the policy direction. Such microcosmic aspects referred to teacher. As a case, a large number of patents were applied by teachers in colleges. Q University of Technology (Jinan, capital of Shandong province) applied 1900 patents every year. However, orientation of teacher's professional title evaluation services of these patents were more than achievements or social production services. Patent application get a government incentive with a lot of money. Government incentive was reward to confirm a patent certificate for the professional title evaluation standard, but not to urge patent into actual assessment indicators. There were a number of patents abolished because of poor maintenance. A case in point, 400 patents would be junk results in Q University's every year. The main reason of the bad maintenance was that too low to maintain with patent conversion rate. The situation of teachers' legal professional ethical quality was related to negative definition of patent conversion rate. A lot of national funds were wasted for teachers' only considering their own professional title needs and formalism. More attention should be paid to funds waste for its popularity in HLEIs. This phenomenon is also caused by teachers' unsound professional psychology.

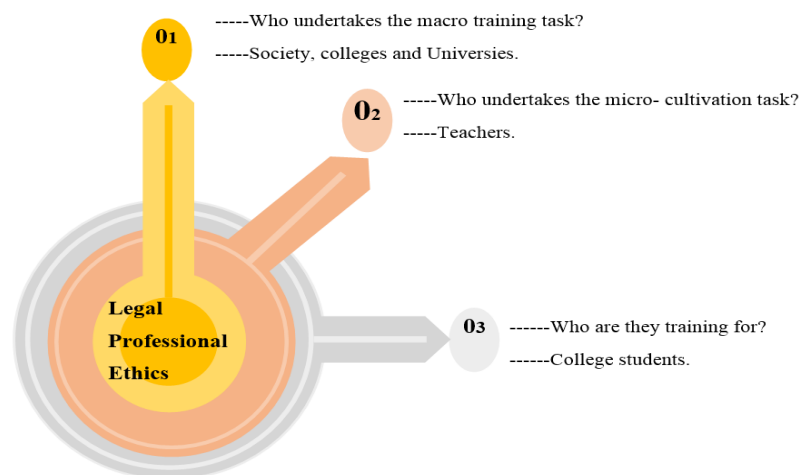


Figure 4. Legal professional ethics system.

At present, the courses of law major was unreasonable in undergraduate universities, especially newly established universities. The undue was mainly manifested in three aspects.

First, as a form of legal practice education, legal clinic was an effective path to realize sustainability in HLEIs (Holder, 2013). However, students' professional skills was practically insufficient to practical courses application.

Second, the proportion of compulsory courses was unbalanced with selective courses. Selective courses were actually turned to compulsory courses due to the serious shortage of teachers in many colleges. Selective courses were make lose their significance. The stimulation and cultivation of students' interest would be influenced in professional learning as well.

Third, the course setting scheme was interfered by some human factors. During the process of course setting scheme, the scientific requirements of the course setting scheme were often gaved up for some unreasonable subjective ideas of some teachers. Courses that should be opened were not opened. Courses that should not be opened were opened in the end.

Fundamentally speaking, the above-mentioned lack of systematic legal practice education and the irrationality of "people-oriented" curriculum are all caused by the unsound educational psychology of legal educators and administrators. Their psychological consideration is not the students' real demands, but their own teaching convenience. To some extent, they have psychologically relaxed their requirements for the training goal of "legal talents". Therefore, legal professional ethics education is essentially legal psychological.

Whether meet the standard of "legal talents" was the main assessment standard of the legal professional ethical quality of the training objects, according to the goals of sustainable development of HLEIs. Excellent professional ability were requires for legal talents as well as excellent professional ethical quality, namely professional ethics. Therefore, as the main body of training and students as, teachers constituted the dual body of legal professional ethics training. legal professional ethics would have a negative impact on the sustainable development of students, HLEIs and the whole nation once the legal professional ethics blemished.

Education of law talents in HLEIs was characterized as systematicness, open and sustainability. Law talents education were closely related with law practice. Thus, AI's judicial application and the impact of AI technology should be focused on to higher law education.

Facing up development and the system identity, Chinese law education must was strive to explore the world first-class method strong school common core value concept. Combine the actual situation of legal education in China to reform, innovation and development of law education system with Chinese characteristics, Chinese law education was developed with learning, communication and reference others. Sustainable development efforts in US HLEIs included inner and outer aspects. Inner and outer aspects play a leading role in the national only with global sustainability. One specific measure for law schools was to emulate the best practices of the leading law schools. The other was to work with the American Bar Association and other relevant judicial practice departments so as to adapt their sustainable good practices to law schools. Another is to obtain the support of the Association of American Law Schools (Dernbach, 2009). But for China, one of the major innovations was that the influence of the trial and litigation mode of wisdom court would not be ignored as well as wisdom procuratorate on traditional legal education. Attention should be paid to the docking with social needs as well. In October 2014, China made a major plan to advance the reform of the litigation system centered on trials. To implement reform, Chinese central political and legal commission made the decision and deployment of developing "trial centered litigation system reform software". At the same time, the reform of the criminal litigation system was promoted to determine the idea of high technology to facilitate the reform. The combination high technology with judicial reform was of great epoch-making significance with the opening work of deep integration application of AI and judicial reform. On February 6, 2017, "trial centered litigation system reform software" (project"206") was projected by Shanghai

higher people's court. As a major technological innovation with AI, Project "206" would implement the trial centered litigation system reform. Project "206" was a historical precedent without precedent home nor abroad.

Reflected in law education, the deepening of AI in judicial practice was a gradual process. AI application was developed with a high speed both in breadth and depth throughout China. The quality of legal service was well improved by the construction of the wisdom court and the wisdom procuratorate, and by free legal services and promotion implementation. the upgrade caused a business impact on lawyers as well as on social legal workers. Thus, an unprecedented challenge was made with Chinese law education by the traditional legal knowledge beyond social development.

AI can apply deep learning algorithm to the field of law education to improve the learning efficiency of law student. The practicalness, richness, diversity, personalization and timely response of AI legal resources to customers' needs can quickly cater to users' psychological needs. Once it is included in law teaching, it will have positive significance for law students' interest in learning and the training of legal psychology. without the infancy stage of legal psychology, college students will not have the legal concept, in this respect, AI legal resources can better reflect its advantages than traditional teachers' indoctrination teaching.

In July 2017, one development plan for a new generation of AI was released by Chinese State Council. In respect of the plan, the construction of wisdom courts was required when applied in the judicial field. The application of AI was promoted in evidence collection, case analysis, reading and analysis of legal documents. The intellectualization of court trial system was realized as well as trial capacity.

On September 17, 2018, the new generation of AI was booming worldwide, and profoundly changed the way people lives, Chinese General Secretary Xi Jinping pointed out in a congratulatory letter to the 2018 world conference on AI., To deepen cooperation and dialogue was dispensable to seize development opportunity and properly handle new issues raised by AI in the fields of law, security, employment, ethics and governance.

Of course, the application of AI should be a clear no-go area in the field of criminal justice. Application of criminal substantive law, intelligent auxiliary case handling should be obey the requirements of relativity, reliability, appropriateness, independence and controllability.

On May 20, 2018, ministry of justice's China Chinese legal service website homepage (www.12348.gov.cn) was opened after a five-month trial run. From the cost point of view, half a day to even two/three days should be costs the client hundreds of yuan to ten thousand yuan beyond intelligent legal opinion service. AI free legal advice service was suggested for sustainable legal advisory system (Greenleaf, Mowbray, & Chung, 2018). Difference in the service effect would be inducted by the difference in the skills of real lawyers. The intelligent consulting system was a super brain of legal persons constructed by legal professionals in China. The standardization of legal services was guaranteed from raft such a legal opinion. It was showed that 80% of the consulting tasks undertook in the trial run of five months, and that more than 90% of the users obtained praise. Such super brain of legal person would have a significant impact on the legal profession when marveling at the AI technology. Facing with new challenges contemporary, Chinese current higher education of law was mainly focuses on the imparting of legal knowledge. One the other hand, less attention was paid with the cultivation of soft power in the legal profession. Soft power may be the key to AI's inability to replace human legal professionals. The goal of judicature was fair adjudication. The ultimate goal was to resolve social conflicts. The goals were particularly important in China (Figure 5). Admittedly, China's higher legal education should actively participate in international operation while maintaining its own characteristics and advantages. One proper tension was hidden between the internationalization of law education and nationality. Procurator intervention of AI auxiliary system were exactly decided in the judicial

practice when the author was in a people's procuratorate for investigation. AI would not replace existing or future procurator team. Once it was feared that procurators would be laid off for AI's comprehensive intervention.

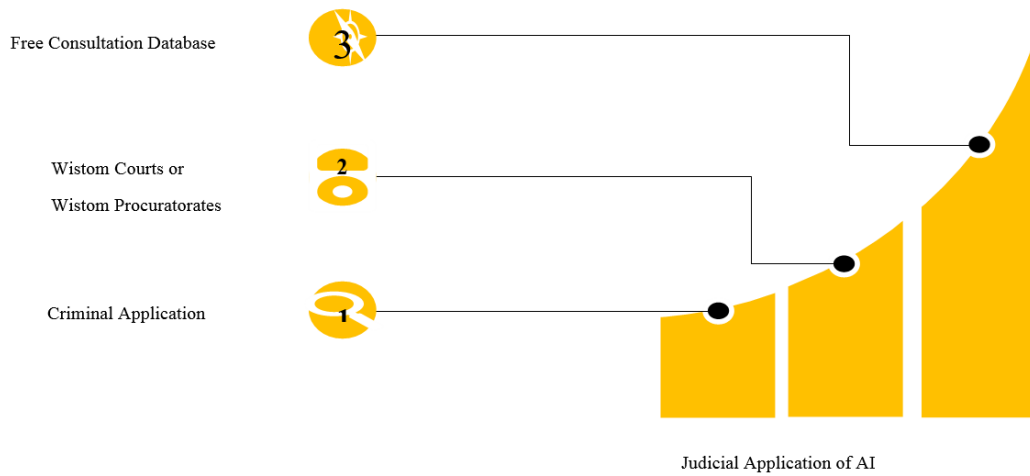


Figure 5. Judicial application of AI.

AI was the auxiliary for judicial case albeit not absolute. The new task for the procuratorates, courts and the law education of high education was the propose of AI intervention. The law teaching in HLEIs of China should really. The importance and the boundedness of judicial AI was to be recognize. AI was to practically integrated into the curriculum of higher law education. How to correctly understand and distinguish the importance and limitations of AI legal resources, theoretical law teachers can't give students the correct answer. In this case, practical tutors from the front line of handling cases have absolute right to speak. Colleges and universities guide practical tutors who master AI legal resources into the classroom, telling students about the convenience, efficiency and limitations of using AI to handle cases, as well as the stories behind their cases, blending feelings with law, integrating morality with law, It plays a key role in training law students' sound legal psychology, which is also the development direction of law education under the background of "student-centered" teaching mode of "1+1+1" (the middle "1" is a student, and the "1" on both sides is a theoretical tutor and a practical tutor respectively).

5. DISCUSSION

Data of court settlement were collected by "big data management and service platform of the people's court system" of Chinese Supreme People's Court throughout China in real time. The big data was updated automatically every 5 minutes. It gathered about 70, 000 to 80, 000 cases every day. At present, 150 million cases of court data have been collected till November, 2019. "big data management and service platform of the people's court system" of Chinese Supreme People's Court was the world's largest database of trial information. Covering more than 210 countries and regions, its browser exceeded 19.8 billion. It is the world's largest platform for the publication of judicial documents. The website was a broadcast court hearings over 1.75 million times, with more than 11. 6 billion hits. In the same year, based on judicial big data and supplemented by speech recognition technology, software "Tao Xiaobao" made a data serve for judicial business by "Wu Song" company from Hang Zhou Yun Qi conference. "project 206" was also a successful application of AI in Shang Hai judicial trials. Civil and commercial cases and administrative cases was gradually expanded after achievements in the criminal field made. Thus, big data of judicial wisdom information application in the teaching practice should be timely opened in colleges legal education. The phenomenon of alienation is important in this sense. Because alienation means the loss of an

individual's interest in the values of the society and his environment, and an introverted attitude towards the world. In this respect, sustainability will drive this phenomenon away from the society.

More than pure traditional legal knowledge, legal science education should be gradually replaced by AI. Future law education should focus on objective evidence of judicial case environment analysis.

As a member of the United Nations, sustainability was stressed around China. To achieve a better teaching effect in HLEIs' law teaching, AI was an important work for sustainable development and cultivation of "legal talents" in China at present and forwards.

In order to promote reflection, we should provide the environment in which the student reflects as much as possible. AI legal resources just because of the richness and diversity of resources provide students with a lot of personalized educational materials, many of which are even tit-for-tat typical cases of "different judgments in the same case", which are of great significance for improving students' ability of "reflecting by case" and strengthening their psychological cognitive ability.

In judicial practice, the psychological expectation of the judge's case-handling goal and the psychological expectation of the parties' rights and interests have undergone subtle changes with the use of AI legal resources. This change often disappears with the completion of the case in the daily case-handling of judges. Due to the high workload of judges, it is difficult to have time and energy to summarize and identify this subtle change and how to deal with it.

6. CONCLUSION

This paper mainly studies the related issues of the sustainable development of China's HLEI, including the historical changes of Chinese law majors in Chinese universities, the severe employment situation of law graduates, and the application of AI legal resources. All the above problems are centered on how to implement the "1+1+1" teaching mode. The purpose of this study is how to cultivate high-quality "legal talents". High-quality "rule of law talents" can't be separated from superb professional skills, which is the foundation of legal person's practice, and it can't be separated from the cultivation of strong and mature legal psychological quality. The cultivation of sound legal psychological quality requires that in the process of law teaching, first-line case-handling practitioners should be introduced as students' practical tutors, and advanced legal resources such as AI should be paid close attention to, and the rich diversity of AI practical legal resources should be used to strengthen students' consciousness of deep study and promote the natural cultivation of students' legal psychological quality.

REFERENCES

- Aleixo, A. M., Leal, S., & Azeiteiro, U. M. (2018). Conceptualization of sustainable higher education institutions, roles, barriers, and challenges for sustainability: An exploratory study in Portugal. *Journal of Cleaner Production*, 172, 1664-1673. Available at: <https://doi.org/10.1016/j.jclepro.2016.11.010>.
- Barth, M. (2013). Many roads lead to sustainability: A process-oriented analysis of change in higher education. *International Journal of Sustainability in Higher Education*, 14(2), 160-175. Available at: <http://dx.doi.org/10.1108/14676371311312879>.
- Dernbach, J. C. (2009). The essential and growing role of legal education in achieving sustainability. Widener Law School Legal Studies Research Paper, (09-20). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1471344.
- Graham, N. (2014). This is not a thing: Land, sustainability and legal education. *Journal of Environmental Law*, 26(3), 395-422. Available at: <https://doi.org/10.1093/jel/equ020>.

- Greenleaf, G., Mowbray, A., & Chung, P. (2018). Building sustainable free legal advisory systems: Experiences from the history of AI & law. *Computer Law & Security Review*, 34(2), 314-326. Available at: <https://doi.org/10.1016/j.clsr.2018.02.007>.
- Holder, J. (2013). Identifying points of contact and engagement between legal and environmental education. *Journal of Law and Society*, 40(4), 541-569. Available at: <https://doi.org/10.1111/j.1467-6478.2013.00640.x>.
- Krizek, K. J., Newport, D., White, J., & Townsend, A. R. (2012). Higher education's sustainability imperative: How to practically respond? *International Journal of Sustainability in Higher Education*, 13(1), 19-33. Available at: <http://dx.doi.org/10.1108/14676371211190281>.
- Leal, F. W., Doni, F., Vargas, V. R., Wall, T., Hindley, A., Rayman-Bacchus, L., & Avila, L. V. (2019). The integration of social responsibility and sustainability in practice: Exploring attitudes and practices in Higher Education Institutions. *Journal of Cleaner Production*, 220, 152-166. Available at: <https://doi.org/10.1016/j.jclepro.2019.02.139>.
- Meghdadi, M. M., & Nasab, A. E. (2011). The role of legal clinics of law schools in human rights education; Mofid University legal clinic experience. *Procedia-Social and Behavioral Sciences*, 15, 3014-3017. Available at: <https://doi.org/10.1016/j.sbspro.2011.04.234>.
- Ramísio, P. J., Pinto, L. M. C., Gouveia, N., Costa, H., & Arezes, D. (2019). Sustainability strategy in higher education institutions: Lessons learned from a nine-year case study. *Journal of Cleaner Production*, 222, 300-309. Available at: <https://doi.org/10.1016/j.jclepro.2019.02.257>.
- Watson, M. K., Lozano, R., Noyes, C., & Rodgers, M. (2013). Assessing curricula contribution to sustainability more holistically: Experiences from the integration of curricula assessment and students' perceptions at the Georgia Institute of Technology. *Journal of Cleaner Production*, 61, 106-116. Available at: <https://doi.org/10.1016/j.jclepro.2013.09.010>.
- Wright, T. (2010). University presidents' conceptualizations of sustainability in higher education. *International Journal of Sustainability in Higher Education*, 11(1), 61-73. Available at: <https://doi.org/10.1108/14676371011010057>.

Online Science Publishing is not responsible or answerable for any loss, damage or liability, etc. caused in relation to/arising out of the use of the content. Any queries should be directed to the corresponding author of the article.