

Problems and Suggestions for Improvement on Juris Master (JM) (Non-Law) Education in Contemporary China

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From 1996 to 2016, the professional degree education of Juris Master (JM) has gone through 20 years. Its establishment is the result of the refinement of occupation division and social division of labor in modern society. It is necessary for the current situation of the legal profession in China. In the 20 years, the professional degree education of JM has continuously revised itself and become a new pattern for the training of legal talents in China. While admitting that it has made great achievements, we must realize the problems in the development of the professional degree education of JM. This paper analyzes the problems of the professional degree education of JM in resources of teachers and students, teaching training, curriculum settings, and legal practice. On this basis, put forward several suggestions, including recruitment method reform, establishment of career planning, improvement of curriculum setting, implementation of diversified teaching modes, and establishment of a professional tutor team, in order to explore the further improvement mode for the professional degree education of JM and promote the training of inter-disciplinary talents.

Keywords: Juris Master (JM), inter-disciplinary talents, practical talents, training objective

Introduction

There are three kinds of Juris Master (JM) in China, including full-time JM (law), full-time JM (non-law), and on-the-job JM. This paper just refers to full-time JM (non-law). For the convenience of writing, the text will be referred to as “JM.” JM, transplanting American educational mode of Juris Doctor (JD), aims to training practical and inter-disciplinary talents in high-level. The legal education has been out of line with practice for a long time in China, and the traditional legal education cannot meet the needs of society for legal talents. The educational implementation of JM is a beneficial exploration to change the current situation of legal education in China. JM education can get the extensive concern of judicial circles, theoretical circles, and educational circles. And one of the important reasons is that the professional degree education of JM can make up for the defects caused by excessive attention to academic education in legal education in China. Since JM education was first implemented in China, it has fostered a number of high-end talents to make great contributions to the national legal construction. They enter the court, the procuratorate, law office, or the company as legal personnel. However, we should realize that the transplantation of any education system depends on whether it meets the educational fact of the country. It may be not acclimatized. The same goes for the transplantation of JM. We admit that its exploration has made some achievements. However, we have to say that there are some

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problems in recruitment mode, teaching methods, curriculum setting, curriculum setting, employment, and dissertation. Currently, the JM education has already gone through the experimental stage and begun its formal implementation. We should objectively find the existing problems and formulate corresponding reform measures, so it will not disappoint the original intention of this degree. In this paper, the authors take the establishment and positioning of JM education as a standing point, reveals the problems in JM education, and proposes some suggestions for improvement.

Establishment of JM Education

All the time, the legal education in China mainly depends on bachelor of law and master of law. However, after years of development, both the educational and practical circles have found that there are many problems in the training of undergraduates of law and masters of law. Although we have trained a large number of legal personnel, it has always been a difficult problem of legal education to train compound practical talents. The disconnection between legal education and legal profession has become a difficult problem for many years in China's legal education. Inter-disciplinary talents should master at least a non-law professional background. They have certain legal literacy and should be able to bring the knowledge of two professions together and understand thoroughly. To meet the needs of inter-disciplinary talents, students must complete the studies of at least two professions and learn to combine the knowledge of the two professions. Compound legal talents are the trend of the demand for legal talents in society. At present, the national demand for inter-disciplinary talents has not been changed. In legal practice, many cases involve not only the knowledge of law, but also the knowledge of other professions.

However, for the current legal education, the education for bachelor of law and master of law does not meet the requirements of training compound practical talents. From the perspective of undergraduates of law education, undergraduates of law have only one professional background and they are taught directly from senior high schools into universities. Undergraduates of law have no experience of life or practical experience. It needs to improve their comprehension abilities, and therefore, it is difficult for them to learn the law. Moreover, undergraduates of law must complete humanistic education and vocational education in four years, which is a great project. It is impossible to complete such humanistic education and vocational education in four years. It completes such education for seven years in America, six years in Australia, and seven years in Japan. It is impossible for us to complete the complex and huge education work in four years. Most of the vocational education of undergraduates of law is done by society. It can be seen that undergraduates of law lack a professional background in the training of inter-disciplinary talents, as well as the study of law.

In terms of masters of law, most of them have learnt the law as undergraduates, and they continue to learn the law as graduates. Thus, they also have only one professional background. The system of master of law aims at training academic talents in law education and research institutions. It hopes to cultivate academic law talents rather than practical law talents. Master of law and JM are on the same level, but their training goals are quite different (Wang, 2005). Master of law is to train talents in academic research as pre-doctoral education. Thus, the training mode of master of law is based on academic research and it has its own features in enrollment methods, curriculum settings, dissertations, and teaching staff, which is different from JM. Its training objective is quite distinct from that of JM. However, in reality, a large number of masters of law head for practical positions, which is contrary to their training objectives. Moreover, there is a lack of practical skills as well as single professional background. Therefore, it fails to meet the demand of society for compound practical talents.

On the premise of an urgent need to cultivate the talents with other disciplinary backgrounds except the law, the professional degree education of JM emerge as the times require with its historical mission. The undergraduate course of law focuses on the training of general talents, while education for master of law focuses on the cultivation of academic talents. In addition, the JM education focuses on the cultivation of practical talents.

Positioning of JM Education

Training Objectives of JM Education

At the beginning of its establishment, JM developed a very high training objective in great expectations. The training objective of JM is to cultivate complex and practical talents in high-level with the socialist concept of rule of law, both political integrity and professional competence. It aims mainly at the training of high-level complex legal professionals and management personnel required in legislation, justice, legal services, and administrative enforcement of law, legal supervision, and economic management (Wang, 2005). Its training objective is different from that of master of law. It aims to train talents with a complex and specialized structure instead of academic talents.

JM Education Belongs to Occupational Education

All the time, the gap between law education and legal profession in China is a difficult problem that puzzles educational and legal practical circles of the law. The JM education, as a reform measure to bridge this gap, attaches importance to its professionalism. On the third JM education forum, professor Zeng Xianyi (2007) pointed out that JM was a high-level degree which takes legal profession as the background and focuses on the training of legal professional competence and professional quality. In addition, National JM Education Steering Committee revised *Guiding Cultivation Plan for JM* in 2006¹. The cultivation of JM is expounded in detail. In the cultivation plan, it also stipulates the obligatory practice and the requirements of the thesis. It can be seen that the JM education is vocational education, that is, to train qualified personnel in the legal profession.

JM Education Belongs to Elite Education

At present, China is carrying out judicial reform, reducing the number of judges. And it will set strict conditions for the selection of judges. The judges will hold lifelong responsibilities for their cases, leading to higher requirements on the judges. Therefore, as the source of judge cultivation, law education must be elite and put forward higher requirements in recruitment, cultivation, and practice. JM transfers talents for the legislative, judicial, and legal services. Whether it is elite is also related to whether we can build a high-quality legal community. Therefore, the whole legal education should belong to the elite education, and it is a necessity for the whole legal education to become elite.

Problems in JM Education

The Resources of Teachers and Students Fail to Meet the Training Conditions

For students, it is necessary to make certain requirements. Only in accordance with certain conditions, it

¹ *Guiding Cultivation Plan for JM*—"... Second, master the basic principles of law and possess the legal knowledge, legal terminology, thinking habits, legal methods, and professional skills required by the legal profession. Third, apply the law other professional knowledge, and have the ability to work independently in legal professional practice, so as to meet the corresponding requirements of the relevant departments. In the cultivation plan, it also stipulates the obligatory practice and the requirements of the thesis."

can truly cultivate compound practical talents in line with social needs. JM is mainly for in-service personnel with a bachelor's degree and graduating undergraduates, while it encourages the students of different disciplines, professional backgrounds (mainly finance, foreign language, science, and engineering graduates) to apply for JM². Thus, it is clear that there is certain orientation in the examination profession when the country is setting JM, as it hopes to cultivate the legal talents in line with national needs. However, in the examination for JM, there is no limit for majors. There is no need for the combination of some majors and laws, so it fails to become compound practical talents.

Meanwhile, there are no requirements for the professional results of undergraduate courses in the recruitment of JM in colleges and universities. The mastery of the undergraduate courses is especially important for students to become legal experts in the field. In addition, students learning the law must have strong abilities of autonomic learning, analytical reasoning, and logical reasoning. And the test for these abilities should be carried out in the recruitment of JM. However, on the existing way to recruit students, it is difficult to determine the ability of students to learn the law. In the first test, the examination questions are mostly objective questions requiring memories, which can only check the memory abilities of students. But it is difficult to test the abilities of students in analytical reasoning, logical reasoning, and autonomic learning. Therefore, it is difficult for students to learn law after they enter school. Especially, it is so low in the ability to study independently without the guidance of the tutor that it is difficult for them to complete the complex tasks of learning laws.

As far as the distribution of tutors is concerned, most tutors of JM are for master of law. These tutors of master of law mostly have deep scientific attainments and they are versed in the cultivation of master of law. However, they are not so experienced in the cultivation of JM. Professor Chen Xingliang (2003) once said in *Temptation of Law* published by Law Press in 2003, "As a law teacher, I also feel confused. I know how to teach the undergraduates as well as masters of law, but I have no idea how to teach JMs." This is what all the teachers of JM feel confused about and the tutors have no idea how to guide the students. To cultivate compound practical students, the tutors should be inter-disciplinary talents with practical experience. However, the tutors fail to have such conditions themselves, so that it cannot give play to the compound and practical advantages that JMs should have in the existing mode. Besides, the training plan, formulated by the Academic Degrees Committee of the State Council, includes the studies of theoretical courses and practical courses, and the study of practical courses needs the society to complete. However, the judicial agencies and lawyer's associations in China have not undertaken the task of training legal successors. Even for practical tutors, it is difficult to guarantee the effectiveness of the practice if there are no rewards or a detailed evaluation mechanism from the school.

Ambiguous Directions for JM

Most of non-undergraduates of law have no direction at all. They do not formulate specific learning plans, and even they completely have no idea how to formulate plans, how to combine their own majors with the law, or about the market demand. Without the guidance of tutors, it is difficult for JMs to accomplish such a complex task spontaneously due to the restrictions in knowledge, abilities, and other conditions (Wang, 2009). Besides, a tutor has several students and he should also have classes and academic researches. Therefore, the tutor cannot give detailed instructions to each student. And it is more difficult for tutors to face JMs than

² Guiding Cultivation Plan for JM.

masters of law. On the whole the JMs with no foundation are unable to catch up with masters of law, which requires JMs to make great efforts and the tutors to give extra instructions. It makes many tutors fail to pay attention to both ways. Faced with these complex situations, some tutors instruct JMs together with masters of law. And some tutors leave JMs alone while they only give a few instructions on the thesis. They do not inform JMs of participating in regular academic exchange activities. Thus, JMs are mostly in the state of free-range.

In the free-range mode of the school, students have no sense of belonging. And most of JMs throw themselves into the examination tide for certificates, including the legal profession qualification certificate, the certified public accountant (CPA) certificate, patent agent qualification certificate, certification of China banking professional, and the securities qualification certificate. Moreover, some students muddle along without any aim in the three years of postgraduates. In this way, they waste three years of precious youth.

Unreasonable Curriculum Settings

In general, most colleges do not develop specific curriculum programs for the professional characteristics of JM. At present, the courses of JM are mostly similar to that of undergraduates of law. However, as JM is the education for graduate students, the tutors teach students in the form of special topics instead of designated teaching materials. In the special topic, the teacher will carry out unified explanations of different opinions. Such curriculum construction is very difficult to realize the training objective of JM (Guo, 2013).

According to the provisions of *Guiding Cultivation Plan for JM*, the courses are based on the first-class discipline of law, including compulsory courses and optional courses. In the cultivation plan, it makes detailed provisions of compulsory courses and optional courses. The self-selective courses are set by the schools. Compulsory courses are to enable JMs to quickly establish the knowledge of various laws with a wide coverage area. Optional courses are also required for students to take part in the studies. The schools can give the best play to self-selective courses while there are no self-selective courses in most colleges. In practice, the first year in college is for overall learning of theoretical courses, and the second year is for optional courses. Most colleges have problems in ratio imbalance between compulsory courses and optional courses, as compulsory courses account for a large proportion and there are only a few optional courses. Students have low initiative in learning. Moreover, the examination methods of elective courses are generally to submit the dissertations, leading to high truancy rate. It may happen that some students have never attended a class, but they pass the course just through submitting a dissertation finally.

The Practical Courses are not in Place With a Lack of an Effective Assessment Mechanism

JM is aimed to train practical talents for legislation, judicature, administrative enforcement of law, and legal practice, so legal practice is of great significance. However, the effect of practice is not satisfactory and most students can still do nothing after the practice. The teachers lead students to complete legal instrument course, moot court training, and legal negotiation course. However, in practice, some courses are excessively formalistic. For example, in moot court training, the teacher gives a case and watches the simulation effect, in which the process is completed by the students themselves. But most students do not make careful preparations and they just take it as a task. In addition, there is only a chance for mock court training, and the effect is not satisfactory.

For example, the legal practice course is the final graduation internship, as an important section in the training of JM. The internship of JM is generally chosen by students or recommended by the school. But schools generally recommend courts or procuratorates. Only a few students want to enter courts or

procuratorates after graduation, so that most students choose the internship units by themselves. Therefore, the internship units are scattered, some students lack necessary internship supervision, and even some students have been doing administrative affairs in the whole internship period. And even some students just get an internship certificate through social acquaintance instead of going for internship. Finally, the internship students fail to get effective guidance, and the rest of the students do not go for practice, which is certainly contrary to the training objectives of JM. The internship management system of the school lacks the necessary practice supervision and assessment system, and it is difficult to guarantee the effect of practice.

Failure of the Formation of the Compound Advantages

The combination of the law and undergraduate major and practical abilities are the advantages of JM over master of law and undergraduates of law, as well as the core competitiveness that the JM education should train. But the results of JM are worrying, as the students lack targeted guidance and it fails to achieve the training objective of compound talents. In the current cultivation plan of JM, there is a lack of corresponding guidance and suggestions. It mostly directly copies the training mode of the education for master of law and undergraduate of law. And it cannot reflect the proper characteristics of the JM education in curriculum settings, teacher resources, and teaching methods. In fact, due to different knowledge backgrounds of JMs, they most need to learn how to integrate the knowledge in different fields. However, the school fails to provide more assistance in this aspect. Although the school arranges tutors for JMs, they are mostly tutors of master of law, who mainly work on academic researches. Moreover, they cannot offer targeted guidance for the JM with the compound talents as the objective (Fu, 2008).

Improvement of JM Education

Reform the Mode of Entrance Examination

The entrance examination for JM is not limited to professional background in China. Since 2004, National Education Examinations Authority has conducted a unified proposition of the entrance examination to JM (Zheng & Li, 2013). The mode of national entrance examination restricts the room for colleges to select students. And the colleges cannot enroll the students according to the advantages, discipline characteristics, and market demand for talents. As it is complex in the legal education environment and diversified in training mode in China, the cultivation of JM must be targeted.

Restricting professional background and professional achievements. JM is not the only mode for legal education in China. The undergraduate of law and master of law can accomplish the cultivation of legal talents in no need of compound knowledge structure. There is no need for JM to recruit such talents for repeated cultivation. Therefore, we need to propose certain requirements for the undergraduate background of JM. And we should not enroll the students in majors which is unnecessary to combine with the law. Moreover, we must propose certain requirements of the undergraduate achievements of students, so that it initially has the prerequisite for the integration of two majors.

Reforming the examination contents. Preliminary examination and re examination, as a test of students' ability to learn law, are the examination of students' abilities in analytical reasoning and logical reasoning. On the examination contents, it can refer to the content design of the law school admission test (LAST) in America (Li, 2008). LAST, approved by nearly all schools of law in America and most of schools of law in Canada, mainly tests whether the candidates can accurately read and understand the complicated articles, whether they

can effectively handle relevant information and make reasonable conclusions, and whether they have critical reasoning abilities and analyze and evaluate others' reasoning. The aim of the test is to judge whether the student has the necessary abilities to succeed in schools of law in the future. It is to check the comprehensive ability of students, but not to assess the professional knowledge of law, so it is more scientific and reasonable.

Formulate Career Planning

Most JMs lack career planning. After entering the school, they have no idea where their development directions are and how to combine the law with their own undergraduate majors. Therefore, they waste lots of time and they have no competitiveness in employment after graduation. The colleges should assist students in finding their directions and building career planning.

There are many ways to career planning education. For example, establish the career planning contact system at school or make the employment office undertake the task of consultants for career planning. The teacher as the contact must have rich practical experience, know the market demand, and put forward significant advice according to different knowledge background and interests of students to assist students in establishing correct career planning. Students should combine their different professional backgrounds exert their own advantages, find the direction of their occupation, and conduct the studies and practice around their occupational directions in future studies, so as to improve their core competitiveness. In addition, colleges and schools can invite senior managers of human resources in relevant industries or the personnel in judicial agencies for irregular lectures about career planning on campus, to enable students to know what skills to learn, plan their careers early and study based on the planning.

Improve Curriculum Settings

Colleges should enlarge the proportion of optional courses. Optional courses are much valued in foreign legal education. Students should complete optional courses in certain credits except the compulsory courses. Moreover, students can select optional courses in certain credits according to the characteristics of the professions they choose and their own interests. According to relevant data statistics, it shows that the ratio of compulsory courses and optional courses is about 2:1 in the current JM education in China. However, the ratio of that in America is about 1:3. On this basis, it is imperative to expand the range of optional courses in the JM education in China.

Colleges should pay attention to the construction of optional courses. There are a large number of JMs, who have different professional backgrounds. Thus, the settings for optional courses can take several general directions into account. For example, in Shanghai University, students can choose six characteristic disciplines, including financial legal affairs, criminal justice, intellectual property rights, international commercial affairs, dispute settlement, and government legal system. Colleges can set optional courses in these aspects for students to choose according to the professional backgrounds (Jiang, 2013).

Colleges should develop characteristic directions in the construction of optional courses. In other words, colleges can make one or more optional courses of JM become quality courses, so that it can attract a great many of candidates in such professional backgrounds. Students are divided based on professional background, and then, each college is responsible for the personnel training in different aspects.

Further strengthen the construction in professional skills courses. Colleges should be based on the basic professional skills required in legal practical affairs in the settings of professional skills courses, and give full play to the advantages of teaching resources in combination with the characteristics of cultivation units. On

curriculum settings, it should lay emphasis on the composition of legal instruments, speeches, defense studies, and negotiation.

The curriculum settings must meet the needs of social development. With the progress of society, social division of labor will be more and more detailed, which will inevitably lead to diversification of occupational market demand. Therefore, the curriculum settings of JM must be further refined. And it should formulate targeted and concrete cultivation plans for students in different knowledge backgrounds and career directions on the conditions of unified studies in fundamentals of science of law. Moreover, colleges should teach students in accordance with their aptitude with certain distinction and stress on the curriculum structure.

Implement Diversified Teaching Methods

Colleges should give first place to method of lecture with case-based teaching method as a supplement. Currently, the teaching methods in China are mostly based on methods of lecture, which can convey a lot of knowledge quickly and tersely. However, as the JM education belongs to occupational education, it should pay more attention to the cultivation of students' practical abilities on the basis of the mastery of basic principles. Due to the tradition of case law, Anglo-American legal system has its own advantages in adopting case-based teaching method. China should learn the case teaching method of Anglo-American legal system. Nevertheless, we should not completely adopt its case teaching methods. Instead, we can select some excellent cases for teaching in some courses of substantive laws.

Colleges should develop clinical legal JM education. The form of clinical legal education draws on the experience of the training mode in medical colleges. In a legal clinic, students provide professional consulting services for the clients in difficulties, diagnose their legal problems, write out prescriptions, and help them find out the solutions to provide legal services in person. Such teaching method can effectively link theory with practice, and apply the theoretical knowledge to practice, and improve the professional skills of students, as well as develop professional ethics in legal practice (Ji & Li, 2011).

Colleges should make moot court teaching in a normal state. In moot court, students must attach great importance to the procedures in the processing of problems in substantive laws, which should not only adopt substantive laws, but also have to do with procedural laws. If students want to really cope with a case well, they must have overall comprehension of the knowledge related to department laws and procedural laws. Moot court training is not only the defense on the court, but also a kind of systematic training covering the whole process. In moot court, students play different roles. Especially, the roles of the judge and the director of public prosecution enable students to feel the sanctity of the professions, thus, enhancing the professional ethics of students. The teaching method of moot court achieves the synchronous construction of legal knowledge, legal skills, legal consciousness, and legal belief through cooperation, which should be often developed among JMs.

Establish a Professional Tutor Team

Currently, it is unreasonable to train JM and master of law together after all. A professional tutor team for JM can be trained to split the law tutors of colleges. Some tutors instruct masters of law, who mainly have requirements in their scientific attainments. And some tutors instruct JMs, who have requirements in practical experience and professional background. On the training approach of tutors for JM, the current tutor teams can realize the transformation of knowledge and ability structure through taking temporary posts and part-time jobs.

In addition, JM should be equipped with practical tutors in line with the requirements of training objectives. Moreover, it should conduct detailed records and assessments for the instructions of practical tutors

to JM, so as to ensure practical tutors can provide more instructions in practice, solve the problems of students in practice and teach students new handling skills and new legal methods to improve the effect of practice.

Conclusion

It has been for 20 years for the development of the professional degree education of JM (non-law). And it has initiated new training mode of legal education, but also made great achievements and trained a large number of outstanding talents, who have entered the society one after another and made great contributions to the socialist rule of law. Meanwhile, there are still many problems in the JM education in resources of teachers and students, teaching cultivation, curriculum settings, and legal practice. Furthermore, it has not completely reached the original intention of JM to cultivate practical inter-disciplinary talents in high-level. Therefore, it needs to further improvement on the JM education through the reform of recruitment modes, construction of career planning, improvement of curriculum settings, implementation of diversified teaching modes, and establishment of professional tutor teams, so that the professional degree education of JM (non-law) can make up for the deficiencies of legal education in China with too much attention to academic education.

References

- Chen, X. L. (2003). *Temptation of law*. Beijing: Law Press.
- Dong, S. Z. (2006). Analysis of current problems in juris master education. *Academic Degrees & Graduate Education*, 5, 16-19.
- Fang, L. F. (2007). Three problems in juris master education. *Journal of China University of Political Science and Law*, 1, 101-103.
- Fu, C. Y. (2008). Between ideal and reality—research on problems in juris master education from the perspective of questionnaires. *Academic Degrees & Graduate Education*, 2, 57-61.
- Guo, D. X. (2013). Research on the status and reform of juris master education in China. *Education and Vocation*, 33, 105-107.
- Ji, X. D., & Li, Q. M. (2011). Clinical legal education: Basic direction of training system reform for juris master in China. *Law Science Magazine*, 2, 59-62.
- Jiang, X. S. (2013). Research on characteristic education of personnel training for juris master. *Theory Research*, 23, 308-309.
- Li, W. (2008). Analysis and improvement of entrance examination system for juris master. *China Higher Education Research*, 2, 41-93.
- Liang, J. Y. (2015). Optimization strategy of training mode for juris master from the perspective of “Rule of law in China.” *Modern Education Science*, 3, 43-47.
- Liu, J. (2012). *Legal education*. Beijing: Social Sciences Academic Press.
- Liu, R. S., & Gao, L. H. (2011). *Reflections on legal education*. Beijing: Peking University Press.
- Su, L. (2004). *Rule of law and local resources*. Beijing: China University of Political Science and Law Press.
- Wang, J. (2005). Nature of JM education. *Journal of East China University of Political Science and Law*, 3, 11-20.
- Wang, L. M. (2004). *Research on clinical legal education*. Shanghai: Shanghai Jiao Tong University Press.
- Wang, M. (2009). Review and reflections: Observations on JM of China University of Political Science and Law. *Tribune of Political Science and Law*, 27(4), 175-181.
- Xie, H., & Wang, Q. S. (2009). *Comments on legal education in China and America*. Jinan: Shandong People's Publishing House.
- Zeng, X. Y. (2007). The establishment and development of the professional degree education of juris master in China. *Legal Education*, 3, 110-117.
- Zheng, Y., & Li, M. M. (2013). Discussion on problems in educational system of juris master in China. *Education and Examination*, 2, 83-87.