

## The Main Points of Case during the Period of Law Revision

Jou-xinLau

The Law School of China West Normal  
University, China

E-mail: [Xinlau-jou.wnu@gmail.com](mailto:Xinlau-jou.wnu@gmail.com)

### Abstract:

*The legal knowledge is on the existing of legal provisions, so the law changes will bring the uncertainty of legal knowledge. It is no doubt that case teaching method can help to solve this problem. For achieving the expected teaching efficiency, it needs to grasp the main points of good selection and processing, also it is important to master the skills of presentation and analysis of the law case.*

**Key words:** case teaching effect preparation operation

### Introduction

Legal knowledge depends on existing legal provisions. We have to face the uncertainty understanding of law when it changes. This problem will affect procedure law teaching. Case teaching method can help to solve this problem. What is the effect of the case teaching? What are the skills of the case teaching and how to do? This paper will give the positive suggestions.

### **Positive effect of the law case**

Basing on describing the real social situation, students can try to found the full feeling of the role of law case and think as the litigant in the case. [1]Then, they would try to solve the problem of the litigant with law knowledge. Especially, law case can make up for abstract theory of for the young students whose social practice experience is so limitation. In this sense, case teaching has the following significant function:

### **Helping to cultivate students' legal consciousness**

It is beneficial to cultivate students' legal consciousness by case teaching. Legal consciousness is an organic synthesis of cognitive and emotional for all the legal phenomena to social members. It can be converted into the rational knowledge of social members, spontaneously guidance (or constraints) his or her behaviors. As a concept of subjective category, legal consciousness is located even hid in the deep cognitive. Though, it is a long training process for the young students. Because of the limiting time of class, the teacher is tendency to chose expositive teaching easily. Generally, he or she often ignores the important training of students' legal consciousness. It is useful to have a smack at case teaching for him or her because law case can attract students to gain the information and analyze the existing data. The students will take the initiative to receive legal knowledge and spontaneous enhance law consciousness.

### **Helping to promote students' cognitive thinking ability**

It is beneficial to promote students' cognitive thinking ability by case teaching. The process of people knowing things concludes the deduction from the more general to the individual and the induction from the individual to the general. Deductive and inductive are two important methods of recognizing things. During the period of law revision in statute law countries, students to lack of visual cognition of abstract law which is concentrated to the teaching material. Moreover, it is more difficult to understand the content of law changes deeply for them. It needs to clarify concepts, principles and norms, combined with the real case analysis for improving their understanding of law knowledge. Through this way, it can proceed from one point to another, achieve mastery through a comprehensive and build a bridge between abstract and concrete for them. [2] Therefore, their legal thinking ability will be promoted soon.

### **Helping to enhance students' practical skills**

It is beneficial to enhance students' practical skills by case teaching. Teacher and textbook is the center of traditional classroom teaching. This traditional style plays more importance on explaining concrete knowledge of teaching material. However, it does not pay enough attention to train the capacities of students' potential development and application. It causes students to

separate put what they have learned from social practices. When they are confronted with the real social problems, they cannot solve the disputes by legal methods properly. The imitational process of solving legally practical problem can increase students' practical experience [3] and enhance their operation skills. It can be finished in case teaching which can increase interaction between student to student and students to teacher when it combines students' self- thinking and teacher's guiding.

### **Preparing for case teaching**

Legal case needs to take "processing" preparation before class for comparing the difference from information extraction and solution change because law is revised.

### **Selecting case carefully**

Classic precedents and social hot issues are the best choices for teaching case. Otherwise, the teacher should find real events from the living environment around the students. He or she also should pay attention to collect the information sources what the students can get currently. The rich origins of the cases have so many kinds such as local news on network, family members legal problems, campus trivia and son. Appropriately, it needs to compress the case information for teaching objectives and teaching content. Then, the key factors can be highlighted so that the students can obtain useful information from the case easily. And they will discuss and analyze for solving problems.

### **Processing case appropriately**

The law case that is derived from the reality often involves complex legal knowledge. It is difficult to get useful information for the students without special training .It needs to processing case appropriately for teaching knowledge. According to the characteristics of teaching students, the case should simplify real case scenario and expand the thinking space generally for teaching target and teaching contents. For example, according to the theory of teaching content, the case that malicious applied to teaching such as missing the rescue event, a crime of passion killings, needs to simplify and focus on relevant knowledge on criminal law or administrative law or civil law. At the same time it should set aside thinking space that concerns the moral and psychological problems.

### **Explaining knowledge in advance**

To compare the different comprehension of amended law, the teacher should make the students know how to get information from the case and what are the comparative aspects. On the basis of know the legal case deeply and analysis of facts fully, the teacher should look for the link

between hidden information of the case and the teaching content. He or she may design good questions for guiding point in advance and explain theoretical knowledge and changing legal norms earlier. At the same time, he or she should remind the students to master the basic theory of principle and the application of the law so that they can find relevant clues between legal knowledge and case material information. Then the stronger the students' interest is, the warmer their discussion atmosphere would be and the effect of case teaching is more obvious.

### **The operation of case teaching**

For playing the proper benefits, it is needed to have a reasonable operation procedure with the elaborate legal case[5]. In the author's opinion, operating points and skills mainly embodied in the following three aspects:

### **Presenting chosen case**

Presenting legal case in the classroom is the important teaching process that students can be familiar with the case and know the related problems of teaching. When is the best appropriate time to present the case in the class? According to the case of information and presentation style, it can be divided into three situation: While the legal case is simple but interesting plot, it can be used as the imported cases of teaching content and will be introduced to students at first of a class; while the legal case involves the knowledge of the single and the link of legal information and teaching content is obvious, it can be used as a teaching example and points out the case when lectures theoretical knowledge; while legal cases involves much knowledge and complicated plot, it would be best present comprehensive data after the system knowledge interpretation in the classroom .It is a best choice that sending the written material of case to the students before class.

In addition, the most practical way is to describe the content of the case clearly and vividly in class. Impressively, the teacher can use multimedia broadcast audio-visual material or organize students to show the case if the condition was allowed and the time was enough. In a word, there are two important key factors that the teacher must be kept in mind: paying attention to grasp the time and putting forward design questions in advance.

### **Analyzing legal information**

Analysis part is the key to apply the case teaching. The tasks of this part include guiding students to find the hidden legal information of case facts, and the link of teaching content, and cultivating the students' ability of legal logic thinking ability, improving their legal consciousness. Usually, the teacher may ask students of different levels after presenting case. Then, he or she can give the ideal interpretation later than the premise of students' cognitive

profiles. The different process and effect of legal change before and after treatment can be compared in the process of comprehensive demonstration analysis.

The most effective practice is to organize students to discuss. Firstly, operational process is to divide all students into different groups. Speaker in each discussion group can give main ideas and according to the case problem. Then, the others (including teachers) can represent speech evaluation, questioning and refute or support with standing on a different angle, position and concept. Better way is to organize the debate over the parties to have a different opinion. According to the situation of students in the process of mining, the teacher in the whole play is one wise guide who is going to take different strategy. When students thinking agile and analysis correctly, the teacher needs to instant and deepen their cognition. When students actively try but hard to break through, the teacher need to pay attention to moderate seems and clear direction. When students slow or helpless, the teacher need to give clever prompt and induction of thinking in time. Through this process can not only make students to determine the repair method of cognition, but also train their thinking and expression ability and psychological quality.

### **Summarizing knowledge hierarchy**

The teacher should promptly summarize after case analysis in class. He or she should emphasize legal the legal knowledge of cases involving. Especially, he or she has to tell students how to use knowledge to solve the problem and what is the method and the conclusion is derived. He or she should promptly answer the doubt of repairing law that the students ask or discuss in detail, and guide the students to have further deep thinking after lesson.

In the context of teaching practice, the most effective operation is adopting the approach of continuous interaction. First of all, it is needed to let student summarize by turns and exchange learning experience on the basis of the analysis. They are encouraged to speak the whole process of perfecting suggestion. Then the teacher should review the knowledge involved in the case, analysis methods, and the solution and so on. It is also important to remind students to record and consolidate after lesson. The teacher would better to encourage students to write the true feelings after conducting a comprehensive review, and correct the received paper carefully. It is helpful to communicate with each other in teaching and learning, expand the thinking law space of case using, as well as to strengthen the legal consciousness raising, improve students' comprehensive ability such as problem solving, writing, practice and so on.

## **Conclusion**

In a conclusion, application of legal case teaching is a process of a system. It also needs so flexible skills that teacher could teach according to their own situation. To achieve better effect of expectations, He or she should adjust the content and continuous improvement in all teaching life.

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