

Research of Legal Education in the Era of Big Data

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To cite this article:

Yao Tianchong, Ga Liba. Research of Legal Education in the Era of Big Data. *Education Journal*. Vol. 5, No. 6, 2016, pp. 161-165.

doi: 10.11648/j.edu.20160506.16

Received: November 15, 2016; **Accepted:** December 3, 2016; **Published:** December 7, 2016

Abstract: With the rapid development of network information technology revolution, legal education suffers a huge impact under the background of big data era, the legal talents are difficult to adapt to the special needs of big data era to legal service personnel. American law school because of the impact of internet and other new things is from prosperity to decline, which also provides enlightenment for the reform of legal education of our country in the present stage. Legal education needs reform. The target and pattern localization and educational ideas, educational technology should make corresponding change, the responsibility of legal teachers should also change from knowledge controller to the bridge for students' knowledge and ability.

Keywords: Era of Big Data, Legal Education, Education Doctrine

1. Introduction

After the reform and opening up, the training of legal talents is mainly to meet the needs of the various departments of the state, to supplement the serious shortage of university law teachers and research institutes of law research staff as the goal. With the development of market economy, the study of the legal professional ability is more and more emphasis on the practice of the application-oriented, compound talents. The classroom teaching of the concept of traditional legal system seems to have lost its use of the application field. Law students will be unemployed after graduation is a large number of phenomena, difficult employment of legal profession has become a topic of social criticism [1]. Quietly emerging network information technology revolution makes the arrival of the era of large data become a general trend, this makes the past is difficult to quantify the information can be converted into the data storage and processing, through scientific analysis methods to predict the development trend of things, greatly influenced people's thinking habits, knowledge system and way of life. How to exploit the value of information hidden in the massive data will undoubtedly determine the core competitiveness of the related fields and the development trend of the frontier. This way of thinking to large data as the root and support, has become the general consensus of all sectors of society and it had a far-reaching impact on legal education. In recent years, the rise of the law

of large data analysis, natural language processing and machine learning, is the academic and legal circles to explore the cutting-edge topics. At present, China's legal education model and curriculum is difficult to meet the needs of the community, legal education reform is imperative, legal education ideas, education models, educational technology and educators responsibilities need to make corresponding changes.

2. The Dilemma of Legal Education

After the reform and opening up, China's lawyer industry ushered in a good opportunity for development, entered a rapid development stage. Then the post 50 who set up law firms gradually quit, and with the growth of computer networks and smart phones the post 80 and the post 90 began to board the stage of law, has gradually become the backbone of the new law firm, they not only have Internet thinking, also has mobile Internet Thinking, known as the new generation of legal people. However, experienced judges and lawyers practicing for many years almost all have a consensus: a law graduates trained simple school education is difficult to deal with the complex social disputes. However, experienced judges and lawyers practicing for many years almost all have a consensus: a simple school education law graduates trained, it is difficult to deal with the complex social disputes. This is why the court now set a judge assistant to much higher than the legal requirements of the preparation period, the same

lawyer practice period, or they not to do it [2]. Experts pointed out that China's legal education for a long time the lack of a clear career-oriented, legal education and the legal profession has long been in a state of separation, from legal education exports by the legal profession to the legal profession entrance examination between the obvious process fracture. This state of separation is manifested in the fact that legal education does not determine the quantity and quality according to professional needs, and many law students are never engaged in legal professions, and extremely lack of teachers with practical experience in law and so on. Ji Weidong pointed out that the current legal education in the granting of the main use of "cramming education" of the handouts, emphasis on memorizing the provisions of the standard answer to the examination, the lack of professionalism and skills training. Subject setting, teaching methods, etc. more conservative, and legal practice and social needs out of line [3].

A professional survey on satisfaction with legal services showed that the satisfaction rate was 30% [4]. Showing that the legal services can not meet the market demand, can not adapt to the current era of large data, there is a serious disconnect between the them. Lawyers with the current knowledge is difficult to master the use of tools such as large data analysis, naturally can not provide legal products based on this. At present, the legal market is moving in a broader direction, more stringent requirements for legal professionals, in addition to obtaining a degree in law, there are skilled use of social networking, large data analysis and AI (artificial intelligence) {Law + social media + bigdata + AI} = sharing services. However, the existing training mode of domestic law school has many shortcomings, leading to the legal personnel is difficult to fully meet the market demand. After entering the era of big data, it has been found that the knowledge of law school teaching was lagging behind the pace of social progress, not only the domestic law school, even the United States has always been the world's first IT, its law school is facing a similar problem, 70% of the knowledge needs can not be met from the law school.

We are in a "worst of times, is the best of times [5]." The Government spared no effort to promote innovation, greatly aroused the enthusiasm of the younger generation to join the cause of innovation. In the context of the Internet into the thousands of families, people use search engines to quickly and accurately get almost all the desired information, which also makes more legal knowledge in front of the public, and even become common sense, then people focus on how to make full use of these tools to create greater value.

3. The Crisis of Legal Education in Big Data

3.1. The Decline of American Law School in the Background of Big Data

In recent years, "the United States School of Law, the actual number of applicants fell significantly" the news of the press, then for the swept the world, so many students favor American

law school into the current crisis of this problem, the American legal profession launched a comprehensive large discussion, the reason is: 1. tuition increased year by year, students bear greater pressure on loans; 2. The US employment situation is not optimistic in Global financial crisis, a lot of law firms layoffs, so that lawyers employment into a new round of crisis. The outbreak of the financial crisis in 2008 caused a severe recession in the world economy. The business represented by mergers has shrunk dramatically, bringing a strong impact to traditional lawyers. Law school graduates are faced with more severe employment problems [6].

In the context of the rapid development of information technology in the network, network information technology will replace a lot of lawyers in the past to complete some of the legal affairs now, even better in quality, efficiency and cost. People use Google and other search engines can quickly and accurately access to the required legal information and comprehensive in-depth legal answers, Google as an all-encompassing encyclopedia, people are not consciously living in Ask Mr. Google era. In addition, contracts, legal documents and litigation documents can be obtained free of charge from the Internet at any time, breaking the kind of thing completely relying on the traditional model of lawyers. Google is actively developing and introducing artificial intelligence technology, and in the future, it can even simulate the thinking of professionals (lawyers and judges) to deal with cases. In the United States, lawyers labor costs have been high, some law firms to save money, part of the work will be subcontracted to lower labor costs in India. India has more than 50,000 local lawyers establish relations of cooperation with the United States and other countries of the law firm, to undertake its outsourcing business. Indian lawyers and US lawyers average monthly salary of about four million US dollars and about ten thousand US dollars, the gap between them is very obvious, Indian outsourcing with low labor costs gained a great competitive advantage. In the increasingly fierce market competition, a considerable number of US law school graduates face the embarrassment of graduation or unemployment situation, even if reluctantly employed by the law office, the salary is not satisfactory, more and more students aiming at other industries, is leading the US Law School insufficient of students, the prospects is worrying.

In addition, large open online courses pose a potential threat to law schools. This free online course was began in 2012, showing a strong vitality, to the contemporary educational revolution has injected new blood, by the US education sector and the industry's attention. Take the well-developed Coursera as an example, it can even provide more than 300 courses, and more than three million people registered in the world, it is foreseeable that in the future there will be more types of free online courses into the public view, high quality courses will attracting hundreds of thousands or even millions of students to study [7]. Students can combine their own learning and planning examinations, to obtain the appropriate credits. This model combines many advantages, such as polynomial, group style and interaction, to realize the full exploitation and

effective utilization of educational resources, and greatly promote the modernization of the whole education system. If the US law school can successfully integrate the curriculum into a large open online course system, each student will be able to save about \$ 40,000 a year. This shows that this free legal education is highly competitive. Large open online courses with a huge advantage to lead the trend, which caused great concern to the legal profession, and take positive and effective response measures.

Furthermore, the American Law School has always advocated case teaching method, which is more concerned and close to reality than the teaching methods advocated by the civil law system of our country. Nowadays, it is difficult to keep pace with the rapid development of the network, it is imperative to introduce new elements organically.

3.2. The Enlightenment of the Decline of American Law School on Chinese Law Education

Traditional law education has had little change in the past, and Anglo-American law schools are still using Socratic methods to teach traditional "case law", while civil law is still teaching "written law", sometimes reference to the "case law." How to give legal education a new vitality to follow the footsteps of the era of large data, is the urgent problem to solve in the legal education.

Under the strong impact of the scientific and technological revolution, the American Law School, which flourished in the past, faced a great crisis. The number of applicants decreased year by year. The employment situation was rather grim. How to reform became a hot topic in the community. Some even proposed the idea of the MIT School of Law, which was intended to enable traditional law schools to keep up with the pace of modern science and technology, because the inappropriate teaching pattern with the market will eventually be eliminated. However, MIT as a world-renowned Institute of Technology, never set foot in the past in the legal profession, the future will not set up a law school.

Since the early 1980s, the China's legal education reform has made great success [8]. From the initial few school of the law to today's hundreds of law faculties, the scale of school students exceed the United States. Due to the bottle-neck of the world economic development, the oversupply situation of law graduates has been formed, and the trend is increasing year by year, the US law school from glory to decline caused by China's education great concern. The opening of law subject is not high, which makes it easy to fall into the blind expansion of the bad mode, leading to oversupply situation. In the teaching mode and training methods are difficult to meet the needs of modern science and technology, the reform and innovation has become a top priority.

The whole world is in a dynamic changes and the changing is quite amazing. People can access legal knowledge through the Internet anytime, anywhere, the younger generation of law students should clearly understand the value of the Internet, and make full use of. In addition, the "Big Data Revolution" has been in full spread out in the United States, which caused the domestic legal education sector full attention. The

introduction and application of large data technology has brought great changes to the traditional legal mode, which is not only an opportunity, but also a huge challenge. China's legal education should uphold the concept of innovation, firmly seize the opportunities given by the times, based on the traditional market to open up more vitality of the new market, if continue keep the old rules, it will be eliminated by "subversive innovation" in the future. Therefore, in order to continue to deliver excellent application-oriented, innovative legal talent, the China and the United State's law school and related workers must keep up with the pace of the times, and actively try new education and teaching model.

4. Future Orientation of Law Major

4.1. Educational Objectives of Law and Mode Positioning

In recent years, with the continuous expansion of law schools in China, there have more and more serious bubble problem. Some colleges and universities lack of sense of responsibility, even if the law faculty is limited, but also to quickly go on, law students show a rapid expansion of the scale of the trend. Some of the law school has never seriously consider the way out of graduates, at present, China's evaluation of the Law School of law students are not based on employment situation, which is contrary to foreign countries, the college will not bear the pressure on student employment, indifferent phenomenon Not uncommon. Besides, the existence problem of legal education such as positioning fuzzy, improper teaching methods, less pragmatic and more empty talk and other issues, students are difficult to grasp the real useful professional skills, into the workplace often need to start from scratch, which is also criticized by practitioners.

On the training objectives, China's legal education sector did not reach a agreement on two advocate, vocational education and quality education respectively, and has been long-term debate among. Today, China's legal education is facing a very awkward situation, the root cause is failed to establish a reasonable and unified training objectives. China's legal profession is generally developed and implemented the training goal is to enable students to successfully enter the professional lawmaking, law enforcement and judicial departments to work. With reference to the experience of other countries and regions, it is necessary for us to make appropriate adjustments to this goal, to give a broader connotation of legal education, and closely linked with practice, so that legal education embarked on a diversified development path.

Law education reform in mainland China and Taiwan caused a greater response. Some people in the industry believe that, after entering the modern society, legal education also will be reformed, to fully and in-depth study of the following points: Different legal professions put forward different requirements for competence; The planning of school legal education; If the legal profession is regarded as a major force to protect human rights, legal education should be through a variety of ways and methods to give students such ability;

Legal education should meet the needs and expectations of the legal community [9]. The American Bar Association believes that the main goal of legal education is to the students as the object, let them fully do the professional preparation for needed by legal person. The so-called legal person refers to the lawyer as the representative a number of legal professional groups. American judicial ethics giant Rhode pointed that, the legal person besides lawyers, judges and prosecutors, also included the law graduates who are not directly involved in the legal profession. They are engaged in political science, journalism, administration, judicial administration, legal education, civil servants and non-government organizations and other occupations. Many law graduates in many Asian countries have never directly engaged in legal work, but the professional knowledge learned from schools plays a crucial role in the occupation and social function. The purpose of the law education is not only in the continuous transmission of private professional lawyers for the community, the elite law school is currently the main goal is to train students into private practice lawyers, policy makers and judges of the three categories of ability and sense of responsibility practitioners.

After entering the era of big data, long-term use of the traditional legal teaching model has been tested, especially by the increasingly popular massive open online courses (MOOC) strong impact. MOOC relies on the Internet at the same time to impart the relevant knowledge to different students, and use of large data timely and accurate understanding of student learning and obstacles faced. In addition, the future of law teaching will introduce an efficient large data analysis, based on causal analysis, will be more conducive to the study of legal knowledge. Graduates from the Stanford Law School have worked tirelessly to create Startups, a well-known legal science and technology in Silicon Valley. They actively try to large data analysis and other advanced technology organic application to the case analysis work, the design of the product has been applied to the field of law teaching, and achieved good results in practice. Because of positive impact of Silicon Valley innovation and technology, the Stanford and Berkeley as the representative of the West Bank elite school beyond the Harvard, Yale as the representative of the East Coast elite school, and the advantages are expanding. Therefore, if the law school to stand out, and actively introduce and effective use of legal science and technology is an indispensable means, the only way for the community continue to transport high-quality legal talent.

In the future, law graduates need to have the ability of man-machine dialogue in addition to communicating effectively with customers. In order to make them better suited to the developing era of big data, it is necessary for the school of law to increase courses on large data analysis, machine learning, and programming language based on the existing curriculum.

4.2. The Responsibility of Law Teachers in Big Data

In the era of large data, when the students are free to navigate in the boundless ocean of knowledge, the advantage of teachers in the knowledge level is weakened or even

disappeared. The teacher's role transmit into a bridge of student knowledge and ability, the training. Fitness instructor-type teachers in the future will have a vast market, they according to the specific circumstances of the students design clear and targeted training program.

With the continuous improvement of science and technology, information technology and curriculum organic integration has become the focus of attention, such as MOOC, micro-class, flip classroom, online classroom. With the extensive application of smart phones and other products, students away from the books and the classroom can also learn the necessary knowledge, especially with the blog, microblog, WeChat as the representative of some of the columns have been born from the media and the practical application of the increasingly widespread, So that the people can use more ways to obtain the necessary knowledge. In the learning mode of change, teaching and management methods have undergone profound changes [10]. However, people's educational idea and technology can not completely out of the agricultural era, still relatively backward, more emphasis on time, sea tactics and the trouble of inspection and notification, the teacher had to spend a lot of energy in the notebook inspection, evaluation work, the energy devoted to education research and practice will be much less. Reading and proposition as teacher's two basic capabilities are in constant degradation, we seem to fall into a embarrassing situation that is no computer network will be difficult to successfully carry out teaching activities. Into the Internet age, people accept the information is usually fragmented, incomplete, reading already lost depth, more inclined to "shallow reading", such as microblog information is often a separate sentence, have nothing to do with each other, longer sentences are mostly in the 70 word, even so short, there are not many people will word the word taste, repeated scrutiny. I am afraid that the author will not do so, not to mention the reader. Contemporary people are more concerned about the sharp words, the title party with the rise.

In this social environment, teacher authority has been severely challenged, teachers under the age of large data positioning itself to pay attention to two points [11]. On the one hand, many educational activities under the background of large data age need to rely on network technology, for example, online education and PK class as a new modern teaching form, in addition to emphasis on production technology, teachers should also actively reverse the individual tradition backward education philosophy, to achieve the effective penetration of students learning and adjustment; On the other hand, adhere to the road of the network has become an inevitable choice. Teachers should pay close attention to the network, especially a variety of new knowledge, new ideas and new technologies relate to teaching, otherwise, there may be an embarrassing situation between teachers and students because of difficult to communicate smoothly. If the teacher never touched the network, it is difficult to understand its true meaning, such as "diao si" appears to have no depth of network words, over time, will affect the daily teaching work, leading to teaching and student's needs can not be match.

5. Conclusion

After entering the era of big data, a common phenomenon of teachers in the new knowledge is not as good as students. But the teacher in the life experience advantage is precisely the student weak point, is also the urgent need, the teacher to student's influence then concentrates on this. It is particularly necessary for teachers to provide strong support and help behind the scenes in order to maximize the talents of the students. To this end, teachers must actively adapt to the role of change from before the stage to behind the scenes, as much as possible to give students the identity of the classroom director, teachers play a role in classroom teaching supporters.

Acknowledgements

At the point of finishing this paper, I'd like to take this opportunity to show my sincere gratitude to my supervisor, Mr. Yao tianchong, who has given me so much useful advises on my writing, and has tried his best to improve my paper. I would also like to thank the Assembly for giving me this valuable opportunity to make me improvements.

References

- [1] Chen bing, Cheng qian. The Database Design of the Law Practice Teaching Database in University in the Big Data [J]. Journal of Yanbian University (Social Science Edition), 2015, 48 (1): 129-134.
- [2] Xu shenjian. Take Legal Education Seriously [J]. Legal Information, 2012 (10): 50-51.
- [3] Ji weidong. The Ideas and Ways of the Reform of Law Education in China [J]. Chinese Higher Education, 2013 (12): 31-34.
- [4] Fang yin, Xu pengfei. Research on the Environmental Legal System of China in the Big Data [J]. Journal of China University of Geosciences (Social Sciences Edition), 2016, 16 (1): 66-80.
- [5] He meihuan. Ideal professional legal education [J]. Tsinghua Law Journal, 2006.
- [6] Yu tao. The Cultivation of Excellent Legal Talents and the Ideal Professional Law Education [J]. Western Law Review, 2013 (4): 29-38.
- [7] Mu zhansheng, Dong bojie. Research on Hybrid Learning Model Based on MOOC - Taking Coursera Platform as an Example [J]. Modern Educational Technology, 2014, 24 (5): 73-80.
- [8] Feng yujun. On the Experience and Reference of the Reform of Law Education Abroad [J]. Chinese University Teaching, 2013 (6): 92-96.
- [9] Su li. Challenges and Chances of Contemporary Chinese Law Education [J]. Jurisprudence, 2016 (2): 3-21.
- [10] Jiao fumin. Study on the Orientation of Law Education and Optimization of Talent Training Mechanism from the Perspective of "Rule of Law in China" [J]. Journal of Law, 2015 (3): 42-51.
- [11] Wang hualiang, Jiao fumin. The Cause and Path Choice of Occupation of Legal Education in China [J]. Research on Law, 2014 (1): 58-66.