

Practical Teaching Mode in Education of Civil Procedure Law

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Abstract: The relation between teaching mode and the fact in education of civil procedure law was studied in this work to promote teaching efficiency. The application of practical teaching mode in civil procedure law education was studied by analyzing the relation between the two on the connection of the teaching mode and its theoretical basis. Analysis showed that practical teaching mode in civil procedure law education would gain good result under the guidance of learning tasks. The innovation of this work is to demonstrate the rationality of practical teaching mode through pedagogy and psychology in teaching theoretical basis.

1 INTRODUCTION

In daily teaching process, teaching of professional courses on law always aims to cultivate talents. Therefore, teachers should grasp current demand on law, making daily teaching mode more suitable for building socialism with Chinese characteristics. Thus more legal talents will be cultivated to contribute to building socialism. However, civil procedure law, as an important compulsory course of legal specialty in higher education institutions, should centre on practical requirements of legal profession and its related posts. Meanwhile, cultivation of students' comprehensive quality and ability should be focused on to help them master functional knowledge through classes.

practice. Students will obtain certain conclusion and analytical ability especially on fulfilling learning tasks by connecting with fact in practical teaching mode. The characteristic of this teaching mode is regarding learning task as the core, students as a subject of tasks fulfillment, and completing related tasks under the guidance of teachers in charge while combining the fact. Teachers use practical teaching mode whose cores are observation of students and cultivation of thinking ability, to help students find the sticking point of task gradually (Wang Xinya, 2008). Thus students can complete the learning task and turn passive study into an active one, which develops their study interest and proper thinking habits.

2 SUMMARY OF PRACTICAL TEACHING MODE AND ITS THEORETICAL BASIS

2.1 Summary of Practical Teaching Mode

Practical teaching mode is a way to improve the practicality and operability in learning professional courses for students in higher education institutions in essence (Wang Binglu, 2002). In particular, students can learn and explore gradually by fulfilling tasks in study, thus enhance their theoretical knowledge into practice and show their due skills in

2.2 Theoretical Basis of Practical Teaching Mode

Modern teaching theory thinks learning is an effective communication as well as a collaborative cognition between students and teachers instead of a one-way cognitive progress of students. Practical teaching mode, equipped with certain theoretical basis in construction, exactly reflects such a modern teaching theory.

Firstly, the perspective of psychology was analyzed. In last century, American psychology professor Goleman came up with the idea that human possess a quotient on emotion, which is called emotional quotient (EQ). EQ, an intelligent reflection of people controlling, analyzing and applying their emotion, has a huge impact on different people's daily life. Therefore, people

require more emotional elements than intelligent ones to be success. However, current study on educational psychology shows that if students want to completely understand and master related knowledge, they need more non-intelligent factors as well as certain intelligent factors. During the process, students do not have many differences on intelligent level, whereas large differences on non-intelligent level appear. In particular, students' habits and volition showed in study, greatly influence their play of intelligent level. Thus students in higher education institutions have to form good non-intelligent factors in study. Practical teaching mode esteems students' learning subjectivity, which makes students more into study and fully expresses their thoughts in study. Therefore, practical teaching mode can help improve students' non-intelligent factor and eventually give play to excellent ability and intelligent level.

Secondly, the perspective of pedagogy was analyzed. Philosophy of constructivism does not think study a pure progress of instilling scientific and cultural knowledge to students. In this way, study is a progress in which students receive knowledge from the outside and rebuild it with their own knowledge structure. Therefore, in the way of constructivism, teachers should play an assistant role in teaching, making students more active in learning. Practical teaching mode help students combine curriculum knowledge with the fact and form a favorable learning environment with their own knowledge under the direction of teachers. Thus, students can form the habit of active exploration and desire for knowledge.

3 VALUE OF BUILDING CIVIL PROCEDURE LAW TEACHING IN PRACTICAL MODE

3.1 Practical Teaching Mode's Sublation on Instilling Teaching Mode

Civil procedure law is a course with strong operating characteristics of legal profession in higher education institutions. Its own character requires the combination of practical ability and theoretical knowledge while the former is the emphasis in teaching. Therefore, the goal of civil procedure law teaching is to improve students' comprehensive judicial competence. It is also the main teaching goal for teachers to help students apply their theoretical

knowledge into legal practice. However, civil procedure law courses in many higher education institutions still emphasize much on instilling theoretical knowledge without returning to its practical character. In this way, students' practical ability of civil procedure law cannot get improved in teaching.

However, practical teaching mode can solve the problem of over emphasis on theory in instilling teaching, helping students master the practical skills of civil procedure law more maturely. This teaching mode is based on students' consolidation of basic knowledge. Besides, it can prevent students from over emphasizing on theory but ignoring its practicalness. The separation of legal theory and practical ability can also be avoided. If theory instilling is emphasized unilaterally, students will be helpless when facing legal practice, especially evidence collection of civil action in court and writing of charging documents.

Therefore, practical teaching mode can help students study actively. Moreover, according to legal professional knowledge and related quality requirement, adjustment on civil procedure law teaching helps students better master their practical ability such as response, rebuttal, quote and question.

3.2 Combination of Practical Teaching Mode and the Nature of Civil Procedure Law Course

Firstly, practical teaching mode itself meets the basic cognizing rules of learning civil procedure law. Civil procedure law aims to protect related rights and obligations of civil subjects. This law consists of different practice progress including prosecution, acceptance, trial, adjudication and execution, which are relatively independent and associated. Thus students should master the characteristics and operational mode of different legal process which contains three levels. The first one is students' re-creation of knowledge, which means the re-creative ability of applying the theoretical knowledge of civil procedure law into practice. The second is the progress students explore and finally gain theoretical knowledge of civil procedure law. The third is that students use the knowledge of civil procedure law in different level. Students can have a multi-layered mastery of theoretical civil procedure law knowledge through practical teaching mode, while teachers can help improve students' application of civil procedure law in a multiple way according to the progress.

Secondly, students can apply their knowledge better through practical teaching mode. Civil procedure law ensures the realization of different substantial laws' implementation. Therefore, in practical teaching mode, more substantial contents are required instead of purely centering on procedure law such as civil procedure law. In this way, students can combine their theoretical knowledge with experience through practice, which improves their practical ability and shows the value of civil procedure law in the reality.

4 APPLICATION OF PRACTICAL TEACHING MODE IN CIVIL PROCEDURE LAW COURSE

4.1 Setting of Relevant Learning Tasks

During the teaching of civil procedure law, relevant cases are required if teachers use practical teaching mode. Students are able to re-cognize and apply the knowledge of civil procedure law through leaning task which is the start of study. There are some noticeable problems while setting learning tasks.

Firstly, relevant learning tasks should be planed and combined with specific theory of civil procedure law course. Teachers should control the range of knowledge within students' mastery while designing learning tasks, making students equipped with basic professional knowledge.

Secondly, authentic cases are preferred in setting learning tasks. Moreover, it's more specific for learning tasks to have different connective knowledge sections of civil procedure law. Learning tasks are supposed to be open for students to think and explore from different perspectives. Besides, leaning tasks should be realized in an authentic and complex environment, setting theoretical knowledge of civil procedure law in specific environment. Thus the effectiveness of relevant legal knowledge can be shown more intuitional and real.

Thirdly, the general resolution progress of civil procedure law should be presented with leaning tasks in the meantime, helping students understand the progress of civil action. Thus students can further evaluate the effectiveness of strategy and action with their legal logical thinking, eventually judging and predicting in real environment.

Lastly, teaching goal and progress combined with students' current mastery of skills and knowledge should be considered in choosing learning tasks. Thus students can digest and

comprehensively apply their knowledge in practice of civil procedure law.

4.2 Thoughts on Implementation of Learning Tasks

Certain pattern and progress should be formed in implementing learning tasks to help students finish tasks in a stable progress and develop their knowledge of civil procedure law in tasks. There are some noticeable problems in this part.

Firstly, teachers of civil procedure law should seize the opportunity of proposing learning tasks. To help students learn tasks better, teachers should give them abundant time to prepare. Generally teachers are supposed seize the opportunity to announce next leaning task at the end of the last, making students collect relevant materials according to their knowledge and task content. To prevent students from forgetting former knowledge, teachers should help students accumulate theoretical knowledge according to the memory law, making students learn by analogy in new cases.

Secondly, issues on students' preview and discussion should be noticed. Teachers ought to fully consider the matching in grouping. According to the content of learning task, teachers should adjust the ratio of sex and leaning ability in grouping, making the implementation of tasks more practical.

Thirdly, teachers should help students combine language rule and logic thinking model of civil procedure law within the presentation of learning tasks. Meanwhile, teachers ought to control the atmosphere of the class, making the class more efficient and ordered.

Lastly, teachers can let students reflect on relevant questions in discussion and conclusion. In particular, teachers can raise doubts or opinions for students to discuss. In the end, teachers make a conclusion of relevant class performance, making students form conclusion and analysis thought.

5 CONCLUSIONS

Civil procedure law is a compulsory course of legal profession as well as an adjective law. Teachers are supposed to lead students to inspire their thoughts in learning civil procedure law. In particular, teachers should make students subject of study through practical teaching mode, achieving better teaching efficiency.

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