

Research on Moot Court Teaching Based on Ability Training

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Abstract: With the continuous development of law education, teaching methods are constantly innovating, including moot court teaching as an effective method of law teaching. Moot court teaching mainly focuses on actual combat simulation, aims at cultivating students' practical ability, and can better enhance students' legal literacy and practical ability. Firstly, this paper analyzes the definition and characteristics of moot court teaching, and then discusses the role of moot court teaching in the ability training. At the same time, this paper also points out the challenges of moot court teaching, and puts forward corresponding strategies and countermeasures. Finally, this paper explores the ability training model based on moot court teaching, which provides a new way to improve the quality of law education. Through this study, moot court teaching can improve students' practical ability and legal literacy, which is worthy of further promotion and application in law education.

Keywords: Moot Court Teaching; Ability Development; Law Education; Teaching Challenge; Teaching Strategy

1. Introduction

Moot court teaching is a kind of law teaching mode, which aims to help students improve their legal practice ability and professional quality by simulating the real court environment and process. In recent years, with the change of educational ideas and the reform of legal education, moot court teaching has been paid more and more attention. However, how to combine moot court teaching and ability cultivation effectively to improve students' legal practice ability is still an important problem for educators and researchers.

Ability cultivation is one of the basic goals of modern education, especially in law education,

which emphasizes the cultivation of students' practical ability. As a kind of practical teaching method, moot court teaching has great potential to be used in ability training. However, how to design and implement effective moot court teaching, and how to evaluate its effect on ability cultivation, are issues that need to be discussed in depth.

The purpose of this paper is to explore the role of moot court teaching in fostering competence and provide a new perspective and method for law education. This paper discusses the definition, characteristics, application, challenge and countermeasure of moot court teaching, and the mode of fostering ability based on moot court teaching.

2. Definition and Characteristics of Moot Court Teaching

2.1 Definition of Moot Court Teaching

Moot court teaching is a kind of teaching method which takes students as the main body and teachers as the guide. By simulating the trial environment and process of the real court, students can play the roles of lawyer, judge, plaintiff and defendant in the simulated court environment, so that students can learn and understand legal knowledge and improve legal skills and qualities in the simulated practice.

The nature of moot court teaching is a kind of situational teaching method, which takes court trial as background, case as carrier, role play as means and improving students' legal skills and quality as goal. It breaks through the traditional teaching mode of law, which is dominated by the teacher's lectures, and changes the students' passive knowledge into active participation and experience.

Moot court teaching can not only make students learn and understand legal knowledge, improve legal skills and qualities, but also cultivate students' ability to cooperate, communicate,

analyze and solve problems.

So moot court teaching is a kind of law teaching mode which takes students as the main body and aims at improving students' legal skills and qualities. It is an important direction and innovation point of law education reform [1].

2.2 Characteristics of Moot Court Teaching

The moot court teaching is a kind of educational mode which takes the moot court trial process as the main teaching method, and has a series of unique characteristics.

Firstly, moot court teaching is highly practical. It simulates the real courtroom environment and trial process, which enables students to participate in the simulated courtroom environment, so as to better understand and master legal knowledge. In addition, by means of moot court, students can find problems in practice and solve them, thus improving their practical ability and problem-solving ability.

Secondly, moot court teaching is interactive. In the process of moot court, teachers and students, students need a lot of interaction, which helps to enhance student participation, stimulate their interest in learning. At the same time, this interaction also contributes to the development of teamwork and communication skills [2].

Thirdly, the moot court teaching is based on the ability training. In the moot court teaching, the students need to complete the investigation of the case, the collection of the evidence, the preparation of the debate and so on.

Finally, moot court teaching is student-centered. This kind of teaching mode emphasizes the student's main body status, encourages the student to participate positively, the independent study, thus enhances student's self-study ability, raises their lifelong study ability.

Moot court teaching, with its strong practicality, interactivity, competency-centered and student-centered characteristics, provides a new teaching method for law education and is of great significance for improving the quality and effectiveness of law education [3].

3. Application of Moot Court Teaching in Ability Development

3.1 Influence of Moot Court Teaching on Ability Cultivation

Moot court teaching is a kind of practical teaching method, which aims at enabling students to learn legal knowledge and improve

legal skills in the process of imitating court procedure. Its influence in ability training is mainly reflected in the following aspects.

Moot court teaching is helpful to train students' legal thinking ability. Moot court teaching not only requires students to master legal knowledge, but also needs them to learn how to use these knowledge to analyze specific cases.

Moot court teaching can improve students' ability of legal practice. Through the process of moot court, students can understand the operation mechanism of legal procedure and have a deeper understanding and grasp of the practical operation of law.

Moot court teaching helps to cultivate students' ability of teamwork. In the moot court process, students need to work together to complete moot trials, which is conducive to their team spirit and coordination [4].

Moot court teaching can enhance students' self-confidence and oral expression ability. In the moot court, students need to debate, presentation, etc., which can not only improve their oral ability, but also help to enhance their self-confidence.

To sum up, moot court teaching plays a significant role in fostering students' ability and improving their legal literacy and practical ability.

3.2 Examples of Application of Moot Court Teaching in Legal Education

As a practical teaching method, moot court teaching is widely used in legal education. Through the moot court, students can better understand and master the legal knowledge, improve the legal practice ability, but also can exercise their logical thinking ability, language expression ability and team cooperation ability [5].

Take the law school of a certain university as an example, the school has added the course of "moot court" in its curriculum, and invited industrial lawyers to simulate real cases (sensitive information was desensitized). Students may choose to act as lawyers, judges, prosecutors, defendants and other roles to conduct moot court trials. In this process, students not only need to conduct in-depth study of the case, but also need to prepare trial materials, court debate, and even act as jurors to judge the case. This way of teaching gives students the opportunity to participate in the trial in person, so as to have a deeper understanding

of the operation of law.

In addition, moot court teaching can help students improve their legal professionalism. In the moot trial, students need to abide by the court rules, respect for judges, respect for opponents, which has a positive impact on improving students' legal professional literacy. In a word, the application of moot court teaching in law education can not only help students understand and master law better, but also improve their legal professional quality.

4. Challenges and Responses to Moot Court Teaching

4.1 Challenges of Moot Court Teaching

Moot court teaching, as a new teaching method, its practicality and interaction endow law education with new vitality, but it also faces some challenges in practice [6].

First of all, moot court teaching requires higher professional quality and teaching ability of teachers. Teachers need to have a wealth of legal knowledge and practical experience in order to design a simulation close to the real court environment and to be able to professionally evaluate and guide students' performance. At the same time, teachers also need to have good organization and coordination skills to ensure that the moot court process smoothly.

Secondly, the effective implementation of moot court teaching needs certain material conditions, such as professional moot court classroom, legal text and recording equipment. The allocation of these facilities and sites needs the financial support of the school, for some schools with poor economic conditions, there may be some difficulties.

Thirdly, moot court teaching needs a lot of time and energy. Compared with the traditional teaching method, moot court teaching needs a lot of case studies and role-playing, which puts forward higher requirements for students' independent thinking and teamwork.

Finally, how to evaluate the effect of moot court teaching is also a challenge. Since moot court teaching emphasizes students' practical ability and comprehensive quality, rather than a single degree of knowledge mastery, traditional test scoring methods may not accurately reflect students' learning effects and new evaluation methods are needed [7].

Moot court teaching has many advantages, but it also faces some challenges in the

implementation process, which needs us to explore and solve in practice.

4.2 Strategies and Countermeasures for Improving the Teaching Effect of Moot Court

Moot court teaching, as a kind of legal education method, aims to cultivate students' legal thinking, legal skills and professional quality through moot court environment and procedure. However, how to improve the teaching effect of moot court is an important problem for educators.

Pay attention to the practicality of curriculum design and teaching content. Moot court teaching should be based on real legal cases, combine with legal theory, guide students to understand and apply legal rules, improve students' practical ability and legal problem-solving ability. Teachers should design moot court teaching programmes tailored to the learning needs of students and the characteristics of the legal profession, provide authentic, diverse and complex legal cases, enable students to experience the actual operation of law in moot court environments, and enhance students' practical skills and professional attainments [8]. Next, pay attention to student's main body status and the participation. Moot court teaching should give full play to students' main role, encourage students to participate actively and improve students' legal thinking ability and legal expression ability through role playing. Teachers should guide students to think positively and solve problems actively in the process of moot court, and cultivate students' independent learning ability and innovative thinking ability.

At last, pay attention to the fairness and science of teaching evaluation. The evaluation of moot court teaching should be based on the actual performance of students, combining with the students' learning attitude and learning process, and scientifically and justly evaluate students' learning effect. Teachers should formulate scientific and reasonable evaluation standards according to the actual situation of students, so as to make the evaluation more objective and fair.

Improving the effectiveness of moot court teaching requires teachers' efforts in curriculum design, teaching methods, teaching evaluation and other aspects, so as to make moot court teaching more in line with students' learning needs and better cultivate students' legal literacy

and vocational ability [9].

5. Exploring the Mode of Fostering Ability Based on Moot Court Teaching

5.1 Establishment of a Capacity Development Model Based on Moot Court Teaching

In order to establish the model of fostering the ability based on moot court teaching, the first step is to define the teaching goal. This includes the grasp of legal knowledge, the application of legal skills and the understanding of legal ethics. On this basis, the design of practical, interactive and participatory teaching activities to moot court as the carrier to achieve teaching goals.

In the moot court teaching, students play the roles of lawyer, judge and witness. Through the whole process of moot litigation, students can learn and improve their legal skills. In addition, teachers should guide students to understand and apply legal principles in moot court activities, enhance legal analysis ability and form correct legal thinking methods.

At the same time, moot court teaching should pay attention to cultivate students' team cooperation ability and communication skills. In the trial simulation, students need to cooperate with teammates to complete the preparation and defense of the case, which tests both their teamwork ability and their communication ability. By doing so, students can improve their cooperation and communication skills.

In addition, moot court teaching should focus on cultivating students' professional quality and moral awareness. Teachers should guide students in moot court activities, abide by the rules of procedure, respect each other, treat cases fairly, and cultivate good professional attitude and moral awareness [10].

To sum up, the mode of fostering the ability based on moot court teaching is an omni-directional and multi-level comprehensive teaching mode, which can effectively enhance students' legal practice ability and cultivate legal talents with good professional quality and moral consciousness.

5.2 Implementation and Evaluation of Moot Court Teaching Ability Training Mode

In the implementation of moot court teaching, all students can participate in all aspects of moot court, including case study, moot court, defense strategy. Through these activities, students can deepen their understanding of legal knowledge

and improve their legal practice ability in practice.

Teachers need to individualize evaluation and feedback on their legal skills according to students' participation and performance. This process can not only help students understand their own strengths and weaknesses, but also let them understand how to use the knowledge learned in practical work.

Teachers need to regularly assess the effectiveness of moot court teaching in order to adjust teaching strategies in time. The evaluation methods can include questionnaire survey, student feedback and teaching observation. In these ways, teachers can understand whether moot court teaching can effectively improve students' ability and what needs to be improved.

The implementation and evaluation of the fostering mode based on moot court teaching should pay attention to the feedback of students' practical operation ability and teaching effect.

6. Conclusions

Generally speaking, moot court teaching is an important part of law education, which plays a vital role in improving students' comprehensive quality and ability. It not only helps to improve the teaching effect, but also helps to cultivate students' diversified ability to meet the social demand for legal talents.

In the future, the researchers expect to further expand the application of moot court teaching in ability training and explore more implementation strategies and evaluation methods. They also hope to reveal the effects of moot court teaching in different disciplines and education stages through more empirical studies, and find out the best application scenarios and methods.

In addition, with the development of online education, virtual simulation technology and Artificial Intelligence technology, moot court teaching has been further developed into distance moot court teaching or virtual moot court teaching, thus providing more flexible and diversified learning methods. This will be an important direction worthy of further study. They expect to build an open resource base for moot court teaching, including case base, teaching videos, teaching guidance and evaluation tools, so that teachers and students can better use moot court teaching for capacity building.

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References

- [1] Bi Jingfu, Zhang Qinghua. Review and Improvement of Moot Court Competition in Local Colleges and Universities: Perspective on the Cultivation of Students' Practical Innovation Ability. *Journal of Texas University*, 2024, 40 (01):96-103.
- [2] Wen Lei. A Study on the Reform of Teaching Model Based on Practical and Applied Ability Cultivation. *Modern Trade Industry*, 2022, 43 (05):145-146.
- [3] Zheng Yan, Li Huiying. Research on the Cultivation of Language Expression Ability of Law Students. *Journal of Yantai Vocational College*, 2021, 16 (02):66-69.
- [4] Sun Hui, Long Youyu. On the Application of Moot Court in the Teaching of Insurance. *Journal of Shaoguan University*, 2021, 42 (05):74-77.
- [5] Bi Jingfu, Chen Linlin. Objective Orientation and Question Reflection of Moot Court Practice Teaching: Perspective of Civil Case Moot Teaching. *Journal of Texas University*, 2021, 37 (01): 99-103.
- [6] Qi Wei, Xu Jie, Liu Mingyu, Wang Tengfei. Theory and Practice of Cultivating Innovative Ability of College Students in Virtual Simulation Environment: Taking Law Specialty Moot Court Experiment as an Example. *China Market*, 2020, (33):184-185.
- [7] Du Jin. Breakthrough of the Bottleneck in the Capacity Cultivation of Students in Moot Court in Applied Colleges and Universities. *Peasant Staff Officer*, 2020, (03):237.
- [8] Wang Qingyu. Pros and Cons Analysis of Moot Court Teaching Model. *Brand Research*, 2018, (04):298-299.
- [9] Weng Yi. Curriculum Teaching Reform and Practice Based on Practical Ability Training - Moot Court Course Teaching in Three Interworking Platforms. *Reform and Opening*, 2017, (04):35+38.
- [10] Du Jianwei. Implementation of practical legal education. Beijing Sino-Foreign Information Technology Institute. *Proceedings of the Fourth Century Star Innovation Education Forum*. Beijing Sino-Foreign Information Technology Institute: Beijing Sino-Foreign Information Technology Institute, 2016: 1.