Quasi-experimental Research on Teaching Methods of Legal Education in China

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Abstract

The teaching methods employed by law teachers play an important role in training appropriate graduate attributes of law students in legal education, since teaching methods are one of the important factors that would impact on students' learning. This thesis aims to explore whether adopting alternative teaching methods (i.e., the combination of case method and problem-based method) could generate better learning outcomes and promote wider graduate attributes training than using the traditional lecture method in the context of Chinese legal education system. This thesis also seeks to investigate whether law students in mainland China have acquired sufficient graduate attributes for their future legal work through the current teaching methods commonly used at law schools. An embedded mixed methods design was used including an online survey, a quasi-experimental teaching intervention followed by semi-structured interviews.

The survey study indicated that both law student and law teacher participants agreed that lecture method still predominates in law schools in China and that the use of lecture method in law schools should be reduced by at least 20%. The perception of the legal professionals and law students suggested that law students probably do not have sufficient depth in graduate attributes through the current predominantly lecture-based legal education system. The teaching intervention study showed that the experimental group achieved higher mean scores in the post-test compared with the control group (d = .65). The difference between the experimental and control group test performance was both statistically significant and of moderate size. The results of the interview study supported the intervention study that the experimental group students experienced positive changes through the intervention and improved the training of a wider range of graduate attributes, such as oral communication, and team-work.

This thesis focuses on the possible relationship between expanding the diversity of teaching methods and graduate attributes attainments within the context of legal education. This thesis shows the practicability and the effectiveness of introducing the case method and problem-based method into Chinese legal education system.

Acknowledgements

I would like to dedicate this thesis to my dearest wife and daughter who provide me with the strongest motive and support me to hack my way through the difficulties accompanying the research journey. I would also like to thank my dear parents who always support and encourage me throughout my study.

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Chapter 1: Introduction

The importance of legal professionals and their legal practice to a country is beyond dispute. For instance, by 2017, there are 120,000 judges and 86,000 prosecutors appointed in China (China Law Society, 2017); the number of lawyers in China amounts to 359,200 in 2017 (Winteam, 2017). The legal practice of these legal professionals will definitely impact on people's daily life and their beliefs in equity and justice of the society. For example, the courts nationwide in China have concluded 19.77 million cases in 2016 (The Supreme People' Court of the PRC, 2017); the cases that the procuratorates nationwide in China have taken to courts in 2016 amount to 1.07 million (National Bureau of Statistics of China, 2016). These huge number of cases together with the innumerable cases dealt with by lawyers are certain to influence tens of millions of Chinese people and their families. This highlights the importance of appropriate legal practice. Unjust, false, or wrong cases could be concluded if legal professionals have not acquired solid legal knowledge, excellent practical skills, and right professional values. All these important attributes training could be attributed to the legal education at law schools. Law teachers' teaching practice seems to be closely related to the quantity and quality of law students' graduate attributes training. It is necessary to investigate the status of teaching practice in China's legal education, particularly in terms of the teaching methods commonly used by law teachers and how well those important attributes have been acquired by law students. Thus, this research focuses on the relationship between teaching methods employed by law teachers and appropriate graduate attributes training, in the hope of providing insights into the effectiveness of alternative teaching methods that could be used to promote graduate attributes training and hence contributing to the legal education reform in China.

Being a typical criminal law teacher in China, I have long been puzzled by a teaching dilemma that my students achieved far less than my expectation although I have taught as much and as well as I can. I think of myself as a responsible teacher, for instance, I always spent several days or longer to prepare for a two-hour lesson. I found almost all relevant teaching material available to enrich the content of my lesson plans including selecting the most interesting and pertinent cases which I believed beneficial for eliciting law students' critical thinking. However, the disappointing thing is that I found a substantial number of my students could not analyze and resolve cases in a correct way, including those whom I believed to have studied very hard and taken notes in classes diligently. This prompted me to

reflect on my own teaching method. Is the teaching method I use sufficiently effective in cultivating law students' appropriate graduate attributes necessary for success in their future legal work? Are there alternative teaching methods in worldwide legal education that I could draw on to teach law?

Accidentally, I read an article written by an American law professor (Moskovitz, 2003) in which the author recorded a thought-provoking talk between his mother and himself. The talk is extracted as follows:

> Mother: "You learned to be a lawyer by going to law school. But who taught you how to teach? You've never taken any education classes. How will you teach them?"
>
> Good question-to which I hadn't given much thought. "Well, the same way I was taught, I guess. The case method." (p. 1205)

I had fully the same feeling when reading this dialogue. When I obtained a master's degree of law and graduated from the Law School of Jilin University 13 years ago, I became a law teacher in a university in northeast China after a short period of teacher training. As a new teacher at that time, I had insufficient educational knowledge in terms of how to teach law effectively. So, I taught "the same way I was taught" as Professor Moskovitz did. But I employed a different teaching method other than case method, that is, the lecture method, which is the traditional teaching method in law schools in China and just the way I had been taught. Based on my own experiences, using lecture method to teach law has the advantage in delivering legal knowledge, but appears to be insufficient in training appropriate skills for legal practice. Legal practitioners in China have also complained about the quality of legal education because the graduates from law schools lack skills at applying knowledge into legal practice (Cao, 2009). This makes me aware of the possible relationship between teaching methods law teachers deployed and practical skills training of law students. More importantly, this is perhaps not only a coincidence between Professor Moskovitz's teaching experience and mine, but many law teachers in China probably shared a similar experience of becoming a law teacher and used the same teaching method as they were taught, because they might, just like me, have no clear idea regarding what graduate attributes law students should acquire at law schools and which teaching methods should be used to achieve those goals. In order to figure out these two major questions in terms of Chinese legal education, this thesis

employed an embedded mixed methods design including an online survey, a quasi-experimental teaching intervention followed by semi-structured interviews.

Given that there is no empirical research and evidence available in terms of the status of Chinese legal education, particularly about the teaching methods commonly used and important graduate attributes that law students should acquire at law schools, a checklist of graduate attributes was created, and an online questionnaire based on the newly developed checklist was designed and conducted (Chapter 4). One approach to assessing the effectiveness of current teaching methods in the context of Chinese legal education is to investigate the perceptions of Chinese legal practitioners (i.e., judges, prosecutors, and lawyers) and legal education participants (i.e., law teachers and law students) regarding the quality of Chinese legal education. The first study (i.e., a survey study; Chapter 4) in this thesis was then carried out to investigate these perceptions.

Once it was established that there was a need for employing more effective teaching methods within the Chinese legal education context, an important next step was to enquire into whether adopting alternative teaching methods (i.e., using the combination of case method and problem-based method) could generate better learning outcomes than using the traditional lecture method in the setting of Chinese legal education. Hence, another main study (i.e., a quasi-experimental intervention study; Chapter 7) in this thesis focused on the impact of different teaching methods on learning within the Chinese legal education system. Given the importance of the pre- and post-test as well as the teaching program to the intervention study, two studies were also undertaken aiming to establish the effectiveness of the tests (Chapter 5) and the validity of teaching intervention program (Chapter 6).

Thus, this thesis is organized into eight chapters. The current chapter introduces the problem and the structure of the thesis. Chapter 2 reviews the literature with respect to the important learning and instructional theories, effective teaching methods in legal education, and Chinese legal system and legal education. At the end of that chapter, research questions are proposed. The methodology in Chapter 3 describes the embedded mixed methods design and provides a rationale for it. Chapter 4 reports the data analysis and results of the online survey study. Chapters 5 and 6 discuss the issues with regard to the development and validation of the pre-and post-test as well as the teaching intervention program. In Chapter 7, the data analysis and the findings of the quasi-experimental study including the embedded interview study are presented. Finally, Chapter 8 draws conclusion based on the main

findings of the quantitative and qualitative studies, and it also discusses the theoretical and practical implications, limitations and possible future studies, as well as the significance of this research.

Chapter 2: Literature Review

2.1 Introduction

Teaching methods are one of the important factors that could encourage or discourage students to adopt a deep approach to learning (Baeten et al., 2010). Teacher-centered or student-centered approaches for teaching could result in two types of learning: passive learning or active learning (Crumly & Dietz, 2014; Keengwe, 2014). Having knowledge about how students learn and those factors which facilitate and interfere with their learning should support teacher's decision making regarding how best to teach students. As Tribe (1996) has stated, fundamental knowledge and comprehension of learning theory provides information about how students learn, which in turn allows law lecturers to select appropriate teaching methods that could generate better outcomes for students.

This section includes a review of effective approaches to teaching law through the lens of phases for effective instruction which embed concepts and principles from meaningful learning (Mayer, 2002), deep approaches to learning (Baeten, Dochy, & Struyven, 2008), and instructional design theory (Merrill, 2002).

This review is organized into three main parts:

(1) Theories of Instruction

In the first part, the instructional design theories that concur with the principles of student-centered learning, meaningful learning, and deep approaches to learning, are briefly introduced and discussed.

(2) Effective Teaching Methods in Legal Education

In the second part, effective teaching methods which are popular in the law schools within the common law system, including case method, problem-based method and so on, are respectively reviewed and discussed.

(3) Chinese Legal System and Legal Education

In the third part, the differences between Chinese legal system and common law systems were introduced. Also, the current situation, problems, and several important issues of Chinese legal education are reviewed and discussed.

Law educators should select most appropriate teaching methods to facilitate students' meaningful and deep approaches to learning. Thus, this review seeks to provide insights into:

(a) what is effective instruction; (b) how to accomplish effective instruction; (c) what are the goals of legal education; (d) what effective teaching methods are there in legal education; (e) how to assess the effectiveness of teaching methods; (f) what are the current situation and problems in terms of Chinese legal education. Through reviewing, discussing and criticizing current instructional design theories and popular teaching methods in law schools as well as the problems in Chinese legal education, this review points out the merits and demerits of each teaching method in legal education and identifies the directions for future research in the context of Chinese legal education system.

2.2 Theories of Instruction

2.2.1 Student-Centerd Instructional Approaches

There is a growing body of literature that recognizes the importance of active learning (Harmin & Toth, 2006; Keengwe, 2014) and student-centered learning (Granger, et al., 2014; Crumely, 2014). Based upon constructivist learning theory that defines learning as an active process (Mayer, 2004), student-centred instructional approaches developed, which were described as “ways of thinking about teaching and learning that emphasize student responsibility and activity in learning rather than content or what the teachers are doing” (Cannon & Newble, 2000, pp. 16–17). Therefore, several teaching methods were developed that highlighted students’ behavioral activity during the process of learning (Mayer, 2004), such as project-based teaching (Blumenfeld et al., 1991), problem-based teaching (Robinson & Lai, 2005; Dochy, Segers, Van den Bossche, & Gijbels, 2003), case-based teaching (Ellis, Marcus, & Taylor, 2005) and student-activating teaching methods (Struyven et al., 2006). These teaching methods that stress students’ activity often appear as alternative approaches to traditional lectures where the teacher imparts information that is passively taken in by the students (Prince, 2004). Although student-centered instruction can take many different teaching formats in practice as is exemplified above, one constant aim of these teaching methods is promoting deep learning and understanding (Hannafin et al., 1997; Lea, Stephenson, & Troy, 2003; Mayer, 2004).

However, research on the effects of student-centered teaching methods on students’ approaches to learning has not found consistent results (Baeten et al., 2010). Several studies affirmed the hypothesis that these teaching methods deepened students’ learning approaches (Gordon & Debus, 2002; Waters & Johnston, 2004; Tiwari et al., 2006). Nevertheless, other studies indicated an increase in the use of surface approaches (Gijbels & Dochy, 2006;

Papinczak, Young, Groves, & Haynes, 2008; Gijbels et al., 2009), and a decrease in the use of deep approaches (Groves, 2005; Struyven et al., 2006; Papinczak et al., 2008). These contradictory findings indicate that fostering students' approaches towards deep learning by means of student-centered learning environments is a sophisticated and complex process (Baeten et al., 2010). According to Baeten, many other factors that encourage or discourage the adoption of a deep approach to learning may have impact. As is shown in Figure 1 (adapted from Baeten et al., 2010, p. 247), the encouraging and discouraging factors can be classified into three groups: (a) context, (b) students' perception of the context, and (c) characteristics of students themselves. Within the context group, teaching methods are one of the important factors that could encourage or discourage students to deep approaches to learning. On the other hand, the fact that teaching methods are only one of thirty-two factors (across the three groups of factors) which may influence learning indicates that teaching methods alone are unlikely to be the sole determinant of the students' approaches to learning.

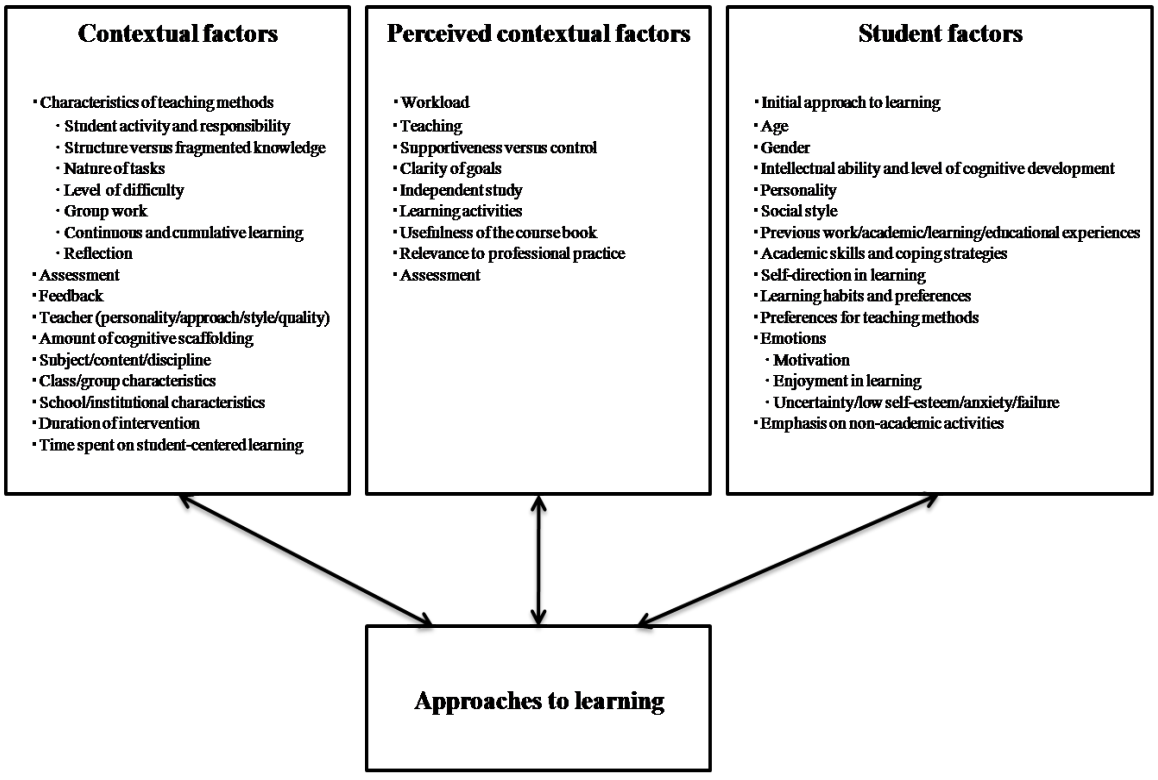

Figure 1. Overview of encouraging and discouraging factors (adapted from Baeten et al., 2010, p. 247).

In order to take into account the many factors that may influence student learning and to better create an effective learning environment, researchers have developed instructional design theories (Paas, van Merriënboer, & van Gog, 2012). Their purpose is to design effective instruction by selecting appropriate teaching methods to ensure effective learning. The following section will discuss current instructional design theories to better understand the impact of those factors identified as supporting or not supporting deep approaches to learning.

2.2.2 Instructional Design Theories

Ozcinar defined instructional design as follows:

> The systematic development of instructional specifications, using learning and instructional theory derived from behavioral, cognitive and constructivist theories, in order to ensure the quality of instruction. It is the entire process of the analysis of learning needs and goals and the development of a delivery system to meet those needs, including development of instructional materials and activities, and testing and evaluating all instruction and learner activities. (Ozcinar, 2009, pp. 559)

Instructional designers seek to construct or choose instructional methods to make learning effective, efficient, and attractive under specified circumstances (Paas, van Merriënboer, & van Gog, 2012). Nonetheless, most instructional design models in the 20th century can be described as part-task models (Paas, van Merriënboer, & van Gog, 2012). Those models divided a learning realm into smaller pieces in order to tackle complexity and then teach the realm piece by piece. As van Merriënboer and Stoyanov (2008) stated, the use of part-task models to design instruction has resulted in three essential problems in education: (a) fragmentation, (b) compartmentalization, and (c) low transfer of learning. Fragmentation indicates that students are often not able to fuse the many pieces they have learned into coherent wholes. And compartmentalization signifies that students cannot integrate acquired knowledge, skills and values properly. With regard to low transfer of learning, it means that students are often not able to apply what they have learned to new problems and new situations.

As a response to the part-task models of instructional design, the whole-task models gradually drew researchers' attention in the twenty-first century and which utilize authentic learning tasks as the drive for learning (Merrill, 2002; van Merriënboer & Kirschner, 2007).

Whole-task models deem a learning domain as a coherent, interrelated whole and then teach it from simple wholes to complex wholes gradually. In addition, whole-task instructional design can be seen as a response to the changing learning landscape, which includes changes in (Paas, van Merriënboer, & van Gog, 2012, P. 337-338):

(a) what ought to be learned, which indicates that learners need to be equipped not only with knowledge but also with skills of solving problems and maintaining future learning (i.e., self-regulated or self-directed learning; Loyens, Magda, & Rikers, 2008);

(b) the learning context, which means the changes resulted from new technologies;

(c) learners, which means learners have to constantly update their knowledge and skills in all stages of their lives, i.e., lifelong learning (van Merriënboer et al., 2009).

Although different theories of instructional design have resulted in different instructional design models, these instructional design models share some common underlying principles (Merrill, 2002). Merrill identified five “first principles of instruction”, which are necessary for the design of effective and efficient instruction. A conceptual framework for stating and relating the first principles of instruction is shown in Figure 2 (adapted from Merrill, 2002, p. 45). Merrill (2002) suggested that the most effective learning environments are those that are problem-centered and engage students in four different phases of learning: (a) activation of prior experience, (b) demonstration of skills, (c) application of skills, and (d) integration these skills into real-world activities.

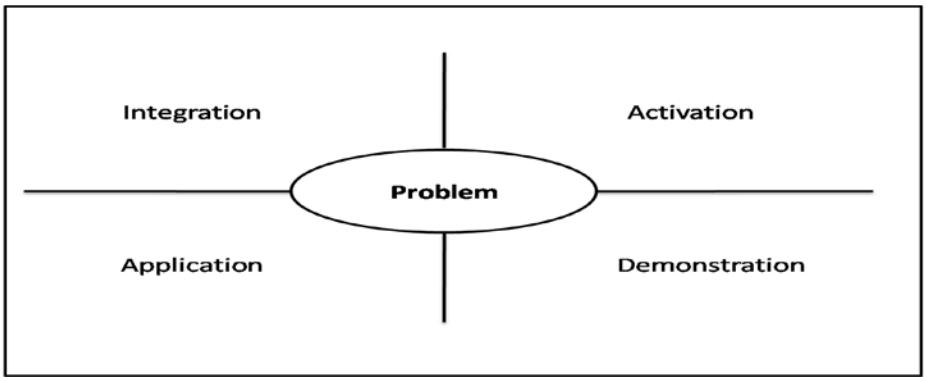

Figure 2. Phases for effective instruction (adapted from Merrill, 2002, p. 45).

The meaning of the first principles of instruction are particularly described as follows:

(a) Problem-Centered Principle (Show task)

This principle suggests that learning is enhanced when learners are involved in solving real-world problems and when learners figure out a series of whole tasks.

(b) Activation Principle (Activate me)

This principle means that learning is promoted when relevant prior knowledge or experience is activated and when learners recall or acquire a mental model for organizing the new knowledge and skills.

(c) Demonstration Principle (Show me)

This principle indicates that learning is facilitated when learners observe a demonstration of what is to be learned and which is consistent with the learning goal under proper learning guidance.

(d) Application Principle (Let me)

This principle shows that learning is improved when learners use their newly acquired knowledge or skill to solve a sequence of varied problems and when the application is consistent with the instructional objectives; learning is enhanced when learners are instructed by appropriate feedback and coaching and when this coaching is gradually withdrawn for each subsequent task.

(e) Integration Principle (Watch me)

This principle refers to that learning is facilitated when learners integrate their new knowledge or skill into their everyday life. Learning is promoted when learners demonstrate, reflect on, discuss, or defend their new knowledge or skill and when learners create, or extrapolate new and personal ways to employ their new knowledge or skill.

Many representative instructional design theories include some (if not all) of these four phases of effective instruction. For instance, Star Legacy, a software shell for instruction described by the Learning Technology Center at Vanderbilt (Schwartz, Lin, Brophy, & Bransford, 1999), is a good illustration of the four phases and five first principles of effective instruction. 4-MAT approach represented by McCarthy also includes these four phases of effective instruction (McCarthy, 1996) and so do Constructivist Learning Environments (Jonassen, 1999) and Four-Component Instructional Design Model (Van Merriënboer, 1997). Thus, these first principles and phases are deemed necessary for the design of effective instruction and are consistent with many instructional design theories (Merrill, 2007).

According to Merrill, the first principles of instruction are design oriented rather than learning oriented (Merrill, 2002). They pertain to creating learning environments rather than describing how learners learn knowledge and skills from these environments. However, the first principles of instruction are intrinsically linked to the theories revealed in the research

on how students learn. Thus, first principles of instruction facilitate creating student-centered learning environment which might be helpful to the development of meaningful and deep learning.

The above discussion about the first principles of instruction shows coherence between the theories of instructional design and meaningful learning (Ausubel, 1962; Tribe, 1996; Mayer, 2002). Firstly, the Activation Principle highlights that learning is promoted when relevant prior knowledge or experience is activated. This principle is in accordance with the first cognitive process of meaningful learning (Figure 3; Adapted from Mayer, 1996, p. 365)-selecting-which is the selection of preexisting knowledge or schema (A schema is a structure that organizes large amounts of information into a meaningful system; Schunk, 2000, p. 145) in order to put the to-be-learned information within a meaningful context. Secondly, the Activation Principle also emphasizes that learners recall or acquire a mental model for organizing the new knowledge, which resonates with the second cognitive process of meaningful learning (Figure 3)-organizing-that is linking the incoming information with the existing schema, or modify, or create a new schema to accommodate that new information (Ginsburg & Opper, 1988). Thirdly, the Integration Principle signifies that learners integrate new knowledge or skill into their everyday life. This principle is in agreement with the third cognitive process of meaningful learning (Figure 3)-integrating-which refers to internalize the new knowledge into the structure of prior knowledge (Ausubel, 2000) and store it into the long-term memory in the form of schema.

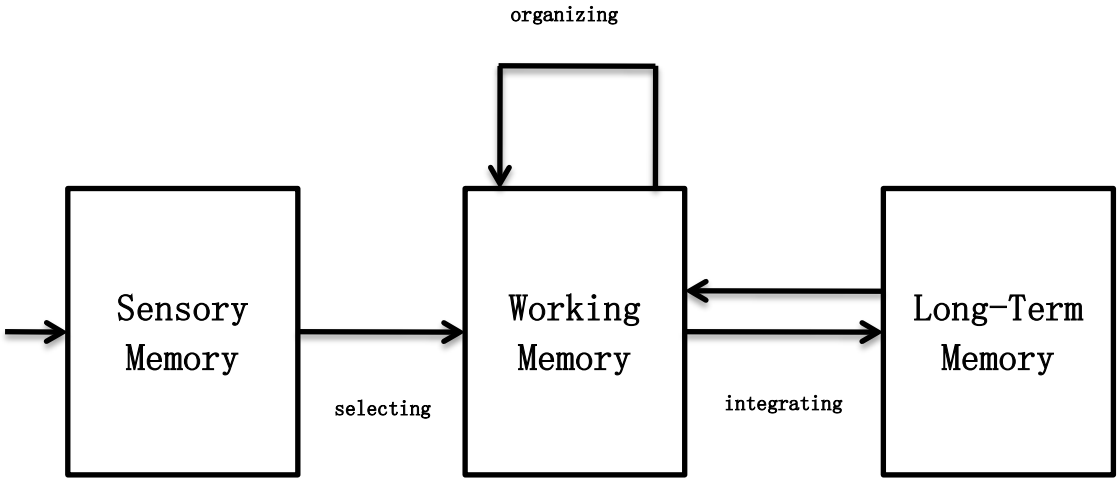

Figure 3. Three cognitive processes in meaningful learning (adapted from Mayer, 1996, p. 365).

Instructional design theories can be applied into teaching practice by creating student-centered learning environments in which deep approaches to learning are likely to occur.

Researchers have realized that learning approaches rely on, to a great extent, the context within which a task is being experienced (Entwistle, 1991; Entwistle & McCune, 2004). Therefore, a student can employ one approach in one context and another approach in another context, depending upon learner's perception and the attributes of that context (Biggs, 2001). For example, a student who would adopt surface approaches in a teacher-centered lecture may employ a deep approach in a student-centered learning environment in which problem-based teaching methods are used. Instructional design theories have the advantage of taking into consideration the various factors which could influence the adoption of deep approaches to learning, to select appropriate teaching methods and design lesson plans in the light of the first principles of instruction. For instance, the Problem-Centered Principle could influence the selection of teaching methods. It requires the learners to be involved in solving real-world problems. In that situation, employing primarily a lecturing approach within the class would not be acceptable while case method or problem-based method would be appropriate to engage students to problem-solving. In addition, the Application Principle foregrounds the participation of students as well as proper feedback and coaching in class, which suggests the lesson plan should be designed to underline the interaction between the teacher and the students.

To sum up, instructional design theories draw from and embed the concepts and principles from meaningful learning and deep approaches to learning. These models/theories comprise the theoretical guidance and reference to legal education; however, legal education has its own unique characteristics which need to be considered when applying these general theories into the specific domain of legal education. The next section will discuss the area of legal education and link the previously described frameworks and theories to this context.

2.3 Effective Teaching Methods in Legal Education

2.3.1 The Goals of Legal Education

There is a long-standing idea that the main purpose of legal education is to enable students of law school to "think like lawyers" (Barnhizer, 2011, p. 12). Nonetheless, how to understand "thinking like a lawyer" is rather complicated. For reference, Barnhizer provided an outline of legal educational purposes which included the following educational goals: (a) institutional analysis and critique, social responsibility, justice and systemic reform; (b) principled professionalism, professional responsibility and ethics, and personal morality; (c) judgment, analysis, synthesis and problem-solving; (d) substantive law; and (e) strategic

awareness and technical skills (Barnhizer, 2011, p. 35-44). All these goals can be classified into three dimensions, that is, knowledge, skills and values (Slorach & Nathanson, 1996), which law students can learn through legal education. The knowledge dimension includes the knowledge and theories of substantive law and procedures. With regard to dimensions of skills and values, "MacCrate Report" identified ten lawyering skills and four professional values which new lawyers should seek to acquire (American Bar Association, 1992). The ten skills include: (1) problem solving; (2) legal analysis and reasoning; (3) legal research; (4) factual investigation; (5) communication; (6) counseling; (7) negotiation; (8) litigation and alternative dispute resolution procedures; (9) organization and management of legal work; and (10) recognizing and resolving ethical dilemmas. And the four values include: (1) provision of competent representation; (2) striving to promote justice, fairness and morality; (3) striving to improve the profession; and (4) professional self-development.

As to knowledge dimension, law schools have been doing well in imparting substantive and procedural legal knowledge to law students. However, many law schools have underestimated the significance of training lawyering skills and cultivating values of law students (Sullivan, et al., 2007). Thus, from 1960s there emerged a legal skills movement across the common law system. In 1960s, the legal skills movement originated in North America and then prospered in UK and the rest of the common law world (Sherr, 1996). During the period of legal skills movement, the 1979 "Cramton Report", issued by the American Bar Association, concluded that law schools should teach seven fundamental legal skills to students to improve lawyer competency (American Bar Association, 1979). In 1992, "MacCrate Report" again emphasized the need to enhance skills training (American Bar Association, 1992). Furthermore, the 2007 "Carnegie Report" acknowledged the impressive strength of American law schools in teaching students to "think like a lawyer" but found a widespread lack of attention of developing practical and professional skills (Sullivan, et al., 2007). These three important reports on America legal education emphasized that skills education should feature more within the curriculum of law schools (i.e., American Bar Association, 1979; American Bar Association, 1992; Sullivan, et al., 2007). Moreover, the cultivation of professional values in legal education, either in the common law system or in the civil law system, has been unsatisfactory (Moran, 2010; Rosen, 2016; Wilson, 2010).

Thus, law teachers should nurture law students from three dimensions: knowledge, skills and values and each of the three dimensions should not be neglected. As Webb (1996) stated, learning becomes holistic when it includes the development of knowledge, skills and

values, in the context of individual experience. This would be a fruitful area for further research.

Current instructional design theories can play an important role in identifying the most appropriate teaching methods to be employed in legal education. The learning environment designed and facilitated by the teacher is a crucial element that makes it possible for students to obtain insights from the learning experience (Barnhizer, 2011). In light of the first principles of instruction, teachers in law school could create effective learning environments and select most appropriate teaching methods to ensure that students learn most effectively and hence achieve the goals of legal education. In the next section, several effective teaching methods in legal education will be reviewed respectively.

2.3.2 Effective Teaching Methods of Legal Education in Common Law Systems

In the following sections, several teaching methods which are popular in law schools within the common law systems will be discussed, such as case method (Socratic method), problem-based method, and lecture method.

2.3.2.1 Case method. It is Professor Christopher Columbus Langdell who first introduced case method into American legal education at the Harvard Law School in the fall of 1870 (Patterson, 1951). According to Patterson, case method was accepted as an essential device of instruction after 1914, although it still entailed modification and supplementation. Until 1950s, all, or almost all, American law school had adopted the case method in its general outlines (Patterson, 1951). Nowadays, case method continues to be the most important teaching method in American law schools (Garner, 2000).

Three devices are essential to case method including: (1) the casebook, (2) the participation of students in the class discussion, and (3) the problem type of examination (Patterson, 1951). According to Patterson, class discussion is a primary feature of the case method and is where a Socratic dialogue is likely to occur (Patterson, 1951). The Socratic dialogue is a philosophical group dialogue in which the participants under the guidance of a facilitator and following several basic rules try to reach a consensus in answering a fundamental question on the basis of a real-life example or incident in order to achieve new insights (Knezic, et al, 2010). The Socratic dialogue is the most important component of case method. Some researchers use such expression as “Socratic, case-based, method” (Madison, 2008). In other words, case method and Socratic Method have similar meaning in the area of legal education.

Case method allows students to learn by doing and in the same way all lawyers do their work. In the process of learning in case method, students actively learn techniques as well as law under the guidance of teachers (McGechan, 1999). Case method, being a form of problem solving, is a much more active learning experience, compared to the passive lecture system (Patterson, 1951). Although case method is also a form of problem solving, it is different from problem-based learning (PBL is discussed in a later section) in the sequence in which the problem is discussed and the information is gathered (Loyens, Kirschner, & Paas, 2012). In problem-based learning, the problem is the starting point. The students do not receive any relevant information input before they approach the problem. In case method, students get the case and relevant materials before the class and need to prepare for the class discussion.

Kunselman and Johnson (2004) assessed the effectiveness of case method by applying case studies into six distinctive criminal justice courses to help students (1) understand complex and complicated issues; (2) discuss politically and socially charged issues; and (3) engage in informative and focused discussion. Based on students' written comments and scaled responses, they assessed the effectiveness of case method in promoting students' learning. The results of students' evaluation show that more than 94 percent (on average) of the students enrolled responded 'excellent' or 'very good' regarding the usefulness of the course assignments (case studies were the primary assignments), the productivity of class meetings, stimulations of interest in subject, and the overall substantive value of the course. Students' written comments complemented the above highly positive evaluation, which suggested that the case method was very helpful in promoting students' in-depth understanding of the course material, stimulating students' interest in subject, and engaging students in focused discussion. This research suggests that case method is an effective way to enhance student learning, especially in criminal justice courses (Kunselman & Johnson, 2004). Using case method to teach law can create an active learning environment in the classroom and provide students with several important skills, such as problem-solving, critical-reasoning, and analytical skills (Kunselman & Johnson, 2004). However, further research which includes measures of students' learning outcomes needs to be done to adequately assess the impact of the implemented case method.

Additionally, Charters and colleagues (2009) designed a case study project (CSP) in an introductory business law course to develop discipline-based teaching methods that can challenge students to be engaged in active self-learning and enriched academic experience. They implemented both quantitative and qualitative learning assessment features to assess the

effectiveness of CSP approach. A pre- and post-learning assessment, mid-term and final examination, and a qualitative survey were used as specific tools to measure whether the students' writing and oral communication skill, research skill, and critical thinking skill have been increased. The mean score of the post-test increased 4.2 compared with that of the pre-test (pre-test mean= 17.7; post-test mean= 21.9). By using a two tailed simple paired t-test, the difference between pre-test and post-test was highly significant (p= 0.0001). This demonstrated that the case study project provides an effective tool for teaching and can enhance students' oral and written communication skills, and higher order critical and integrative thinking skills across business law areas (Charters, Gunz, & Schoner, 2009).

According to Professor Friedland's survey, the Socratic Method is the most widely adopted teaching technique at law schools, 97% of those teaching the first-year classes reported utilizing Socratic Method (Friedland, 1996). Similarly, Madison (2008) suggested that the Socratic Method continues to dominate the legal education.

While the case method does have many valuable pedagogical aspects and instructional outcomes, critiques have been made by legal educators and practitioners about its sole use in law courses (Eagar, 1996; Madison, 2008). Case method is often criticized because (a) it is ineffective as a tool for acquiring large amounts of substantive legal principles and rules of law; (b) it is deficient for the learning of legislation (i.e., the procedures of making law); and (c) it is inadequate for teaching non-litigation skills (such as mediation, negotiation, and counseling; Garner, 2000). Although case method can serve as one tool for teaching in law school, effective teaching needs to incorporate a wider range of methods designed to support the learning of all relevant legal education outcomes. Advances in instructional design theories and educational practices over the past half century can be useful in this regard (Madison, 2008). Thus, other teaching methods such as problem-based method, even lecture method, could be combined with case method to achieve the desired learning outcomes (Garner, 2000).

2.3.2.2 Problem-based method. Neufeld and Barrows (1974) pioneered this method in the mid-1960s at the McMaster University Medical School. Since then, problem-based method spread rapidly across nations in schools of management, medicine, nursing, agriculture and, in one or two cases, law (Cruickshank, 1996). Therefore, problem-based method can be considered "one of the few curriculum-wide educational innovations surviving since the sixties" (Schmidt, van der Molen, te Winkel, & Wijnen, 2009, p. 228). In the process of problem-based learning (PBL), as Cruickshank (1996) described, the student is

confronted with a problem situation before any preparation or study has occurred. The students, often in small groups, analyze the problem first, and then respectively seek resources by their own and bring their new knowledge back to the groups, and finally apply it to the problem (the PBL process is depicted in Figure 4; Adapted from Loyens, Kirschner, Paul, & Paas, 2012, p.404).

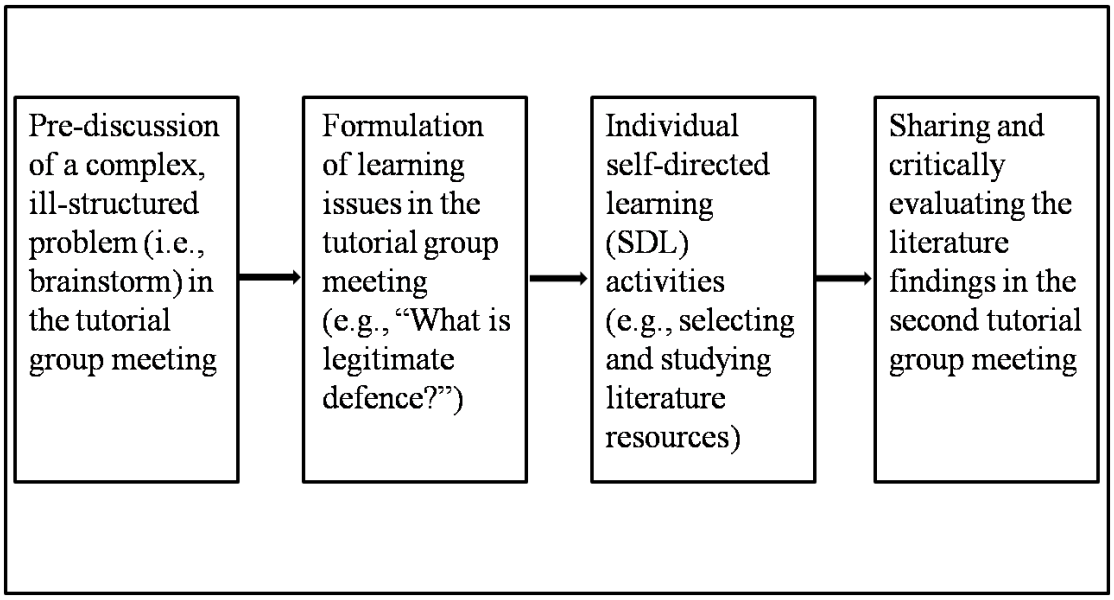

Figure 4. The problem-based learning (PBL) process (adapted from Loyens, Kirschner, Paul, & Paas, 2012, p.404).

Problem-based learning is distinct from teacher-based learning which has been described by Woods (1985) as follows:

> In 'teacher-based' learning the teacher selects the knowledge, creates the learning environment, develops and uses the evaluation materials, presents the knowledge and the problems, and provides a personal image of a professional. The students are locked into the pacing and sequencing used by the teacher. They have little control over the situation. (pp. 15-16)

Problem-based method emphasizes student's self-directed learning. It is student who takes responsibility for learning instead of teacher (Cruickshank, 1996). In a study of comparing the quantity of instruction (i.e., lectures, small group tutorials, practical sections, and self-study) of eight Dutch medical schools, time available for self-study appeared to be the only determinant of graduation rate and study duration (i.e., number of years to graduate). Furthermore, quantity of lectures was negatively correlated to graduation rate, but positively

correlated to study duration (Schmidt, et al, 2010). These findings of the study suggest that "in higher education, students learn more by being taught less (Loyens, Kirschner, & Paas, 2012, p.407)". Thus, curricula should provide ample space for students' self-study other than increasing the number of instructional moments (Schmidt, Cohen-Schotanus, & Arends, 2009).

Although problem-based method is more active than conventional lecture-based learning, the obstacles to deploy the problem-based method in law schools still exist, such as resource intensive and time consuming (Newble, 1989; Batty, 2013). One way to get through these barriers is to adopt the partial curriculum PBL model, that is, to take a part of the curriculum, or a single course, to employ problem-based method (Cruickshank, 1996). Moreover, the effectiveness of problem-based method was challenged by the proponents of direct instruction (Kirschner, Sweller, & Clark, 2006). Hence, the efficacy of the problem-based method needs further examination in the area of legal education.

2.3.2.3 Other law-teaching methods. There are still many other law-teaching methods which have been found to be effective, such as Simulation/Role play/Adversary Methods (Eagar, 1996), Debriefing Method (Bateman, 1997), Technology-assisted Method (Lasso, 2002), Visual Pedagogy Approach (Hermida, 2006), and Observation and Critique (Barnhizer, 2011). Nevertheless, these methods have not yet played a role in teaching law across the curriculum of law schools as dominantly as Case method. From the perspective of teaching reform, these methods provide meaningful attempts for the future development of law instruction.

In addition, the lecture method in legal education needs to be discussed although it is believed to be ineffective compared to active learning methods by many educators (Marbach-Ad, Seal, & Sokolove, 2001; Jungst, Licklider, & Wiersema, 2003). One primary weakness of the lecture method is that it makes students passive recipients of information provided by teachers (Hansen & Stephens, 2000). Thus, students become dependent on teachers to tell them what they need to know and reluctant to take responsibility for their own learning (Machemer & Crawford, 2007). On the other hand, some research indicates that the lecture method is superior (Struyven, Dochy, & Janssens, 2008), or at least comparable (Van Dijk, Van Den Berg, & Van Keulen, 2001; Covill, 2011), to the active learning methods. For example, the research conducted by Struyven and colleagues shows that those students in lecture-taught settings benefit at least as much or significantly more from the lectures as students in student-activating learning environments (Struyven, Dochy, & Janssens, 2008).

Also, previous research is mixed regarding students' perceptions of the traditional lecture method as compared to active learning methods (Machemer & Crawford, 2007). Some students reported a preference for lecture method and negatively evaluated the active methods, whereas some other students enjoyed some aspects of active learning method, such as in-class interaction and participation (Marbach-Ad, Seal, & Sokolove, 2001). These findings corroborate that students' preference for teaching methods as one of the encouraging and discouraging factors (see Figure 1) related to the adoption of deep approach learning. In legal education context, the effectiveness of lecture method could be assessed by using different teaching methods to teach law between control group (adopting lecture method) and experimental group (adopting case method, or problem-based method).

2.3.3 How to Assess the Effectiveness of Teaching Methods

The teaching methods, however, are just the format of teaching; the effectiveness of teaching is, more often than not, determined by the quality of teaching (such as teachers' teaching skills and conscientiousness; Garner, 2000), the characteristics of students and the genuine interaction and communication between teachers and students (Kember & Wong, 2000).

Several studies on the effectiveness of teaching methods in legal education at universities have showed that different teaching methods (including lecture-textbook method, case-method, problem-method, self-instructional method, and media-assisted method) have an equivalent influence on student achievement (Teich, 1986). This may be explained that teaching methods are only one of a variety of factors that could affect deep approaches to learning (see Figure 1). Thus, the effectiveness of learning is not determined by teaching methods alone, but by the interaction of many factors, for example, student's personality or intellectual ability. Although law teacher should know the effectiveness of different teaching methods, effective teaching methods are not a master key to effective learning. There are many other aspects that law teachers need to consider in order to promote effective learning of students, such as timely feedbacks to students' performance, appropriate assessment of students' deep-approach learning and so on.

In addition, how to define and assess "effective" is still an ongoing question. According to Oxford Dictionary's definition, "effective" means "successful in producing a desired or intended result". If we put this concept into the process of life-long learning, it seems that we should take the long view and not concentrate on purely immediate effect. For example, one law school student becomes an outstanding lawyer five years after graduation,

through effective learning methods trained at the law school. The other law school student spent ten years researching and finally published a classical work which brings profound and lasting influence on the world. Which student is more effective? This question could be explained from two angles: short-term effect and long-term effect. Given the different types of positive outcomes (one is focused on the practice and the other is focused more on scholarship), it is hard to say that one is more effective than the other. The same applies to the teaching methods. In a short term, one teaching method may be more effective than the other one. In a long term, that is not necessarily the case, however.

Two criteria could be referred to when assessing the effectiveness of a teaching method in legal education. According to Teich (1986), one criterion is that whether the teaching method aligns with the instructional objectives of the law course; the other criterion is that whether the benefits (i.e., increase student's learning) of using one teaching method are sufficiently great to justify related costs (costs here include costs to the institution, to the instructor, and to the student). With respect to the first criterion, it seems more convincing to assess the effectiveness of a teaching method by how effective it is to increasing students' learning, although the outcomes of students' learning generally will be satisfactory when the teaching method aligns with the instructional objectives. Also, students' learning outcomes can be assessed easily and directly as an indicator of the effectiveness of a teaching method. In term of the cost criterion, it does constrain the employment of some teaching methods in law schools, for instance, the clinical method, because of its high costs.

Furthermore, according to Friedland survey, 59% of the respondents said that they chose a particular style of teaching because they were comfortable with it, not because it was the best way to teach the material (Friedland, 1996). The same circumstances could happen to students that they prefer some style of teaching only because they feel comfortable with it, not because of its effectiveness, for example, lecture method (the costs to student are much lower than active learning methods). "In other words, students may reject or resist what is educationally good for them (Covill, 2011, p. 94)." Therefore, "law teachers need to have pedagogical toolboxes filled with a variety of tools, and an understanding and willingness to use the right tool for the educational job at hand (Eagar, 1996, p. 416)."

2.3.4 Summary

This part of review has discussed the effective teaching methods in legal education within the common law systems. As shown in this review, each teaching method in legal education has its own strength and weakness. Further research is needed to identify how best

to achieve the optimal learning outcomes by employing the most appropriate teaching methods in legal education. For instance, given the mixed findings of current research on the effectiveness of lecture, it is still uncertain whether traditional lecture is an effective teaching method within legal education. Further studies need to be done to assess the effectiveness of lecture within this context. In addition, although case method has been viewed as an effective teaching method, the sole use of case method in legal education could be changed to make up the deficiency of the method as mentioned previously (see section 2.3.2.1 in this chapter). While case method is conducive to developing students' critical thinking skills, it may be insufficient in training students the practical lawyering skills and professional responsibility and ethics. Thus, alternative teaching methods combined with case method may be applied into law courses so that law students would obtain not only the critical thinking skills but also the practical lawyering skills as well as the positive attitudes, beliefs and values to learning and profession.

However, these effective teaching methods in the common law system need to be examined in the context of Chinese legal system and legal education. In the next section, the differences between Chinese legal system and the common law systems as well as the reflection on Chinese legal education will be discussed.

2.4 Chinese Legal System and Legal Education

There are two influential legal systems in the modern world: common law systems and civil law systems. UK and USA are the examples of countries which belong to the common law systems, while Germany and France are the examples of countries which can be categorized into the civil law systems. Modern Chinese legal system has developed based on transplanting the legal system of former Soviet Union which was primarily influenced by the civil law systems (Xu, 2010). Thus, modern Chinese legal system has adopted many of the characteristics of the civil law systems.

2.4.1 The Differences between Common Law Systems and Chinese Legal System

The differences between common law systems and Chinese legal system are similar to the distinctions between common law systems and civil law systems, which are described as follows.

(1) Sources of law differ. Both statutory law (Statutory Law is the term used to define written laws, usually enacted by a legislative body) and case law are the formal sources of

law in common law systems, nevertheless, case law is the primary sources of law. “Stare decisis” (i.e., a legal principle by which judges are obliged to respect the precedent established by prior decisions.) is a significant judicial principle in common law systems. In Chinese legal system, only statutory law is the formal sources of law, while cases are not and is just a form of references.

(2) Pattern of litigation differs. Common law systems adopt the party dominant litigation mode, which means a judge plays a role of passive judicator and lawyers of both parties are adversarial and much more active than judges in litigation. Chinese legal system pursues the authority dominant litigation mode, in which a judge plays an active role in interrogating the parties.

(3) Legal thinking mode differs. The judges in common law systems are inclined to apply inductive method when judging a case. In Chinese legal system, judges usually adopt deductive method to make a judgment strictly in light of formal logic (i.e., syllogism). Specifically speaking, in inductive method, judges need to investigate the precedents of the similar nature with the case to be decided. And then they deduce general rules from those decided cases and apply them on the cases to be decided. Hence, inductive method in deciding a case means reasoning from particular cases to general rules (that is, bottom-up logic). By contrast, deductive method refers to reasoning from the general to the particular (that is, top-down logic). For example, the major premise is “Any sane adult who murders another person will be punished according to the criminal law”, and the minor premise is “Tom who is a sane adult murdered Tony”, and the logical conclusion is “Tom will be punished according to the criminal law”.

(4) Function of judges differs. Judges in common law systems are both judicial officials and legislators, which means they can create new principles of law in cases. However, judges in Chinese legal system are just judicial officials and cannot make laws. They must make a judgment strictly according to the statutory laws in effect.

(5) The role of the jury differs from the judicial committee. In common law systems, the jury determines the truth or falsity of factual allegations and renders a verdict on whether a criminal defendant is guilty, or a civil defendant is civilly liable, while the judge having the sole responsibility of interpreting the appropriate law and instructing the jury accordingly. The jury is composed of 6 to 15 jurors (depending on the various jurisdictions) who are citizens randomly selected from a jury pool. In Chinese legal system, a judicial committee

will be asked to discuss and decide an important, complicated, or difficult case. The judicial committee of a court is composed of the president, the vice-president, the chief-judges of peoples' tribunal, and some senior judges who do not take up a post of leadership.

By the end of 2010, China has enacted 236 laws and over 690 administrative regulations and more than 8600 local regulations (Chen, 2011). In March 2011, Bangguo Wu (the former chairman of Standing Committee of National People's Congress) declared that socialist legal system with Chinese characteristics had formed. Given the described basis of the Chinese legal system, one would predict that this would influence Chinese legal education such that it is different from those in common law systems. In the next section, Chinese legal education will be introduced and discussed.

2.4.2 Chinese Legal Education: Current Situation, Problems, and Important Issues

Significant progress has been made in Chinese legal education since the adoption of economic reform and opening-up policy in 1978. After three decades' development of legal education, 634 law schools or faculties nationwide had been set up by the end of 2008; undergraduate students of all law schools and faculties amounted to 300,000; graduate students for a master's degree were over 60,000; and graduate students for a doctor's degree were more than 8,500 (Xiao, 2011).

However, even with this progress, Chinese legal education is deficient in comparison to the legal education system in the typical countries (e.g., USA and UK) with common law systems, for instance, in terms of the general quality of law teachers, economic strength of law schools, hardware facilities (e.g., high-level law library) and skills training of law students (Zhu, 2006; Cao, 2009; Qiu, 2010).

The problems of Chinese legal education are summarized below:

(a) Law schools and faculties have expanded so rapidly that enrolment has exceeded the social needs. Up to 2007, there were more than 600 general institutes of higher education nationwide which have set up law schools or faculties (Xu, 2011). Besides, not only universities but also institutes specialized in economics, engineering, agricultural science, medical science, and teacher education and so on, have set up law schools or faculties (Zhou, 2011). Thus, the enrolment of law students has increased so fast that it could probably impair the quality of legal education. To make matters worse, graduates from law schools or faculties are having difficulty finding jobs (Xu, 2011). The education of law graduates has outpaced the demand for legal professionals especially in cities. In contrast, there are great

demands for legal professionals in countryside, however, law graduates are reluctant to work there due to the poor economic income and work conditions.

(b) The quality of legal education cannot be guaranteed due to the rapid expansion of law schools and faculties. Because there is not a high-level criterion to regulate setting up law schools or faculties in China, many institutes that are not sufficiently eligible have set up law schools or faculties. The building of hardware facilities, such as law library, cannot keep up with the speed of expansion of law schools and students. Overexpansion of law schools or faculties leads to insufficiency of law teachers; hence the quality of legal education can hardly be guaranteed (Zhou, 2011).

(c) The standard of admission to practice law is low. In common law systems and civil law systems, having formal legal education and credentials is the prerequisite to getting certified as a lawyer. However, that is not the case in China. Anyone no matter what he/she majors in could join the legal profession as long as he/she can pass the National Judicial Examination (NJE). Furthermore, some legal profession training schools have replaced law schools to undertake the legal education, such as National Judges College and judicial examination training schools (Zhou, 2011). This means a person who does not major in law or lacks the background of formal legal education but pass the national judicial examination through the training of exam-oriented cramming schools could practice law (Ai, 2014). Thus, the quality of the legal professionals varies widely due to the low standard of admission to practice law.

(d) Law schools or faculties value the imparting of legal knowledge but devalue the training of lawyering skills. Teachers of law schools put too much emphasis on indoctrinating students with legal knowledge and purely academic questions (Cao, 2009). Law students often pay more attention to concepts, classification, nature, and significance and the like. Thus, graduates from law schools cannot gain acceptance in practical legal circles. Legal professionals have many complaints about the quality of legal education because the graduates of law schools lack skills at applying and cannot accurately understand the knowledge they have learned (Cao, 2009). As professor He (2006) said, skills training is the core of professional legal education, however, the major defect of legal education in China is all-dimensional absence of skills training.

(e) Teaching methods of law schools urgently need to be improved. Although some law teachers have attempted to implement more active teaching methods other than lecture method, such as case method (Li, 2011), clinical method (Wang, 2011), and moot court method (Chen, 2013), the cramming lecture method has still occupied the leading position

(Cao, 2009). Truly this kind of lecture-style teaching method has its advantages in imparting knowledge of law compared with other teaching methods, but its limitations become evident when trying to get students to acquire intellectual skills and lawyering skills (He, 2006). As Mayer said, “We should teach students how to think, not what to think” (Mayer, 1987, p. 327). The objectives of law schools should be to make students rapidly understand and apply new laws independently by using basic knowledge cultivated through legal education (Zhu, 1996). Changes of teaching method must be made to achieve such goals of legal education in China.

How does Chinese legal education extricate itself from the plight mentioned above? This is a big question that Chinese legal educators should reflect on. Chinese researchers who have proposed potential resolutions to the previously described dilemmas of Chinese legal education can be divided into two groups. One group holds that Chinese legal education should learn from common law systems aiming at professional education (Fang & Wang, 2011). The other group thinks that Chinese legal education should borrow ideas from civil law systems orientated as quality education (Zeng & Zhang, 2003; Ge, 2014). Legal quality education refers to the combination of general education and professional education. General education in Chinese context is similar with the “liberal education” in western context. It empowers individuals with the knowledge and strategies of comprehensive disciplines rather than in a specialized academic area.

Prior to attempting to change current practice in Chinese legal education, it would be important to identify the purpose of Chinese legal education. In the common law systems, the purpose of legal education is to make law students “think like a lawyer”; while in civil law systems, it is to train law students to make decisions as a judge would do. By contrast, the purpose of Chinese legal education is ambiguous. According to official documents, the purpose of Chinese legal education is to cultivate applied and inter-disciplinary legal professional talents (Ministry of Education of PRC, 2011). Nevertheless, this purpose is too general to give prominence to legal characteristics because it can be applied into many disciplines. Thus, this kind of statement about the purpose of Chinese legal education lacks clarity, legal character and instructive meaning.

Another issue to discuss about Chinese legal education is the lack of professional assessment of legal education. For instance, ABA (American Bar Association) and Carnegie foundation have issued professional assessment reports of American legal education, including the Cramton Report (1979), the MacCrate Report (1992) and the Carnegie Report

(2007). These reports point out the merits and demerits of American legal education and hence guide the direction of future development of legal education. Such assessments have greatly promoted American legal education to develop to a world-class level. However, there is no such published professional assessment report on Chinese legal education. Without an independent assessment of Chinese legal education, there is no impetus to change the nature of Chinese legal education and its future direction and hence the redevelopment is indefinite.

Thirdly, empirical studies of Chinese legal education are rarely seen. Although researchers in Chinese law circles have written hundreds of articles to discuss the problems of Chinese legal education, most researchers are engaged in and limited to the theoretical discussion on legal education and few of them use the method of empirical study to support their points of view (Zhu, 2006). The lack of empirical research and evidence makes it difficult to verify the shortcomings of Chinese legal education as well as propose potential changes to improve Chinese legal education.

To sum up, empirical research needs to be done on: a) current state of legal education and law graduates within China, and b) how to assess and change teaching methods in Chinese legal education to better cultivate law students from three dimensions: knowledge, skills and values. With respect to the former focus, it would be important to establish a profile and attributes of what current legal education graduates possess once moving into practice. With respect to the latter focus, it would be important to investigate the effectiveness of different teaching methods in legal education within the Chinese legal education system. This can occur through an intervention study of Chinese legal education which needs to be conducted to explore whether using the combination of multiple teaching methods could generate better learning outcomes than using the traditional lecture method.

2.5 Research Questions

As discussed above, teaching methods should play an important role in achieving the teaching objectives that would align with the graduate attributes of law schools. Given the current situation of Chinese legal education, the cramming lecture method has still occupied the leading position in law schools nationwide. However, it is questionable that the lecture method employed by law teachers could fit in well with what the law students are supposed to learn (i.e., knowledge, skills and values). Hence, the thesis is based on two presuppositions:

(a) Law school students/graduates in mainland China will probably not acquire sufficient graduate attributes for their future legal work through the lecture-dominated teaching method of law schools.

(b) Adopting the alternative teaching methods could generate better learning outcomes and promote wider acquisition of graduate attributes than using the traditional lecture method in the context of Chinese legal education.

In order to test the presuppositions, four studies have been designed (details see Chapters 4~7). Accordingly, the research questions to be addressed in the four studies are listed as follows:

Study 1:

1. What graduate attributes are critical to practical legal work from the perspectives of legal professionals in China?

2. Do law students and legal professionals have similar views about the importance of graduate attributes?

3. Which graduate attributes have not been well acquired by law students according to legal professionals in China?

4. How well have the graduate attributes been taught according to law students?

Study 2:

1. What measures or tests which are indexed to appropriate law graduate attributes (as identified in Study 1) currently exist?

2. If no existing measures exist, how best to develop measures for assessing the acquistion of appropriate graduate attributes (as identified in Study 1)?

3. What is the validity and reliability of either the existing measures or newly developed measures?

Study 3:

1. Can a teaching program for Chinese criminal law be devised that uses non-lecture methods?

2. What is the validity of the newly developed lesson plans?

Study 4:

1. Does adopting the combination of alternative teaching methods generate better learning outcomes than using the traditional lecture method within two conditions?

2. How do the law students perceive this quasi-experimental teaching intervention?

Based upon these research questions, the methodology for these studies is described in the next chapter.

Chapter 3: Methodology

3.1 Introduction

To address the posed research questions, this study utilizes mixed methods including an online survey, a quasi-experimental teaching intervention followed by semi-structured interviews. The first study employed an online questionnaire survey of legal professionals and law students aiming to (1) establish generalizable baseline description of the status quo, (2) establish robust estimation of population values, (3) test similarities and differences based on role in the legal education system, and (4) have a description that addresses the impact of chance artifacts in the results. Based on the results of the survey study, a quasi-experimental study was designed to systematically investigate the impact of a treatment and attempt to control confounding variables. At the end of the intervention study, a phase of semi-structured interviews was embedded with the purpose of exploring teaching and learning perceptions of participants that might shed new light on the value and worth of the experimental treatment. This chapter addressed the rationale of utilizing mixed methods, quantitative survey method, quasi-experimental method, and interview method sequentially.

3.2 Mixed Methods

According to Creswell (2015), mixed methods is "an approach to research in the social, behavioral, and health sciences in which the investigator gathers both quantitative (closed-ended) and qualitative (open-ended) data, integrates the two, and then draws interpretations based on the combined strengths of both sets of data to understand research problems (p. 2)." Integration of qualitative and quantitative data is the striking characteristics of mixed methods (Watkins & Gioia, 2015).

The primary benefit of undertaking mixed method is that it maximizes the strengths and minimizes the limitations of both qualitative and quantitative methods (Johnson & Onwuegbuzie, 2004). Other main strengths of using mixed methods proposed by scholars (Greene, Caracelli, & Graham, 1989; Bryman, 2006; Doyle, Brady, & Byrne, 2009) are as follows:

- Triangulation: mixing methods facilitates validation of data through cross corroboration from two research methods.
- Completeness: mixing methods provides a more complete and comprehensive insights of the research questions than using qualitative or quantitative method alone.

- Explanation of research findings: mixed methods studies can use data collected in a qualitative study to explain the data generated from a quantitative study, or vice versa.
- Instrument development: a qualitative study may generate items or constructs to be used as an instrument in a follow-up quantitative study, for example.

Despite the benefits, mixed methods research also has some limitations (Johnson & Onwuegbuzie, 2004; Ivankova, Creswell, & Stick, 2006; Harris & Brown, 2010), namely:

- Complexity: the research design of mixed methods can be very complex.
- Hardship: mixed methods studies may take much more time and resources to design and implement distinct phases of a study than using a single research method.
- Discrepancy: it may be hard to interpret the discrepancy between the research findings utilizing two different research methods.

Three major decisions need to be considered before choosing a particular type of mixed methods design (Creswell, & Clark, 2007), namely (1) timing of the qualitative and quantitative methods (i.e., concurrent or sequential), (2) weighting of the qualitative and quantitative methods (i.e., equal or unequal), and (3) mixing of the qualitative and quantitative methods (i.e., merging, embedding, or connecting the data). Based on the consideration of the three decisions, Creswell and Clark (2007) identified four main types of mixed methods design: (a) Triangulation; (b) The embedded design; (c) Explanatory; (d) Exploratory.

In the embedded design, a small amount of qualitative or quantitative data plays a subservient role within a dominant method (Caracelli & Greene, 1997). This doctoral study employs an embedded mixed methods design as depicted in Figure 5. In short, this study implemented a QUAN→QUAN (qual) design. The uppercase QUAN indicates that the quantitative method is prioritized in the mixed methods design, while the lowercase ‘qual’ means that the qualitative data is treated as a supplement to the priority data (i.e., quantitative data in this study). The parentheses denote that the qualitative method (i.e., the interview study) is embedded within a larger quantitative design (i.e., the quasi-experimental study).

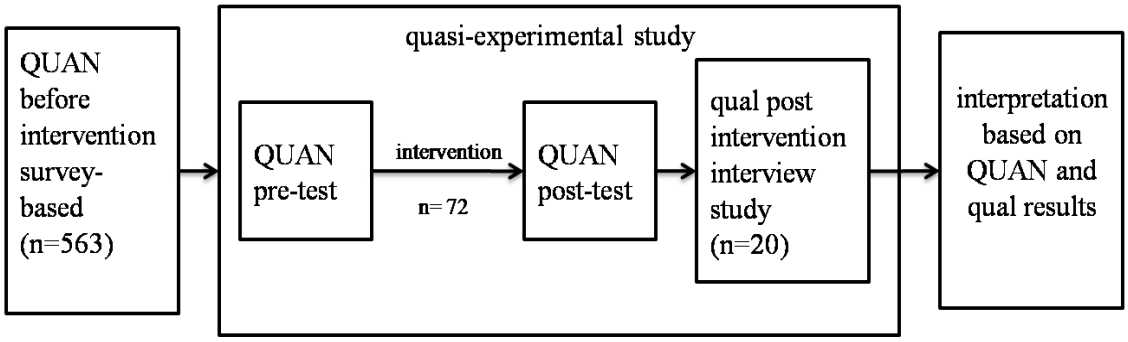

Figure 5. The embedded mixed methods design of this study.

The details of the embedded mixed methods design are shown in Table 1. The reason for selecting an embedded mixed methods design (excluding the strengths of mixed methods mentioned above) lies in the consideration of the weighting of qualitative method and quantitative method in this study. As depicted in Figure 5, there are two sequential equal-weighting quantitative phases which dominate the whole study, while the qualitative method is just embedded within the second quantitative phase and the qualitative data are only used to explain or support the results of the quasi-experimental study. Another reason of utilizing embedded mixed methods design is that it requires less time and fewer resources (Watkins & Gioia, 2015). That is, the participants of the interview study were recruited conveniently from the two groups of the quasi-experimental study according to their post-test scores.

Table 1

Details of the Embedded Mixed Methods Design of This Study

Function	Study 1	Study 2	Study 3
Type	QUAN	QUAN	qual
Design	Questionnaire	Quasi-experiment	Interview
Data collection	Online, structured, close-response	Pre-and post-tests	Semi-structured
Sampling	Convenience & snowball	Convenience	Convenience
Data analysis	Factor analysis	Factor analysis & Multivariate analysis	Thematic analysis frequency count

3.3 Study 1: Online Survey

Survey research is perhaps the most popular quantitative research design in social sciences (Muijs, 2010). Survey research design features data collection using questionnaire forms implemented through telephone, face-to-face, e-mail, postal pencil-and-paper questionnaires, or incrementally internet-based questionnaires (Andrews, Nonnecke, & Preece, 2003; Yun & Trumbo, 2000). Study 1 selected the form of internet-based questionnaire with statistical analysis of participant responses to describe and compare responses between participant groups. The study attempts to describe the status of a phenomenon with a cross-sectional questionnaire, explore the relations between variables (e.g., model-testing designs) and contrast those relations between participant groups in a quasi-experimental fashion. Given the lack of empirical research on the quality of Chinese legal education, this survey study was designed to investigate the status of Chinese legal education and the graduate attributes needed for legal practice from the perspectives of law students and legal professionals. Hence, the nature of this research is descriptive, which is suited for using a quantitative method. The primary reason of choosing the form of internet-based questionnaire lies in that online questionnaires can be accessible by potential participants who are located in many regions across China, which makes the samples more representative of the target population. This kind of online survey has its specific pros and cons.

Online survey research has several strengths (Muijs, 2010; Wright, 2005; Fricker & Schonlau, 2002; Yun & Trumbo, 2000), namely:

- Access to larger population: the questionnaire can reach out to the population located in remote regions via internet.
- Save time and money: online surveys can transmit data instantaneously and the data can be stored in database or even analyzed directly, saving postage, printing, and data entry time and costs compared with other conventional survey forms (e.g., postal pencil-and- paper questionnaires).
- Minimize errors: online questionnaire software can minimize the transcription errors and hence improve the data quality.
- Guarantee anonymity: online surveys without direct contact with potential participants can ensure respondents' anonymity and hence obtain more candid data compared with face-to-face survey or interviews.

Despite the advantages of online survey research, it is not without its limitations (Schonlau et al, 2009; Fricker & Schonlau, 2002).

- Influenced by internet coverage: the target population might not access to the internet because of the coverage problem of internet and hence leads to response

bias.
- Low response rate: the potential participants might deem the online survey link as a spam or computer virus resulting in a poor or moderate response rate.

The internet coverage limitation of online surveys can be avoided in this study given that China's 4G network has covered 99% of the population and 95% of administrative villages (Liu, 2018). This means that the majority of potential participants can be accessible to internet and participate in this online survey.

Considering the possibility of a low response rate of online surveys, incentives were used to increase the response rate in this study (Mei & Brown, 2017), for example, the opportunity to randomly get a small amount of money by opening the red envelope in the groups of WeChat. Also, the QR code of the online questionnaire was created and disseminated via internet to the potential participants who can scan the QR code and easily access the questionnaire using smartphones. Given the close relationship between smartphones and people's daily life, utilizing QR code might increase the response rate of the online questionnaire.

3.4 Study 2: Quasi-experimental Study

A quasi-experimental design compares the outcomes between experimental group and control group (or comparison group) to demonstrate the causality between the intervention and the outcomes without random assignment (Campbell & Stanley, 2015; Thyer, 2012). A quasi-experiment is similar to a true experiment, but it lacks the key element of randomization. Quasi-experimental designs are frequently used when it is not feasible or ethical to conduct a randomized controlled trial (Grimshaw et al, 2000). As every experiment is imperfect (Campbell & Stanley, 1966), the quasi-experimental research design has its strengths and limitations.

The strengths of quasi-experimental designs (Campbell & Stanley, 1966; Shadish, Cook, & Campbell, 2002; Creswell & Creswell, 2017) are as follows:

- Feasibility: quasi-experimental designs can be used especially when randomization is impractical or unethical for studies, for instance, in social sciences.
- External validity: quasi-experimental studies are conducted in a natural environment rather than in a well-controlled laboratory setting and hence external validity is increased in quasi-experimental research.
- Less costly: quasi-experimental design can reduce the time and resources as required in true experiments for extensive pre-screening and randomization.
- Fewer ethical concerns: quasi-experimental designs can reduce the ethical concerns

with respect to the random assignment of test subjects. For example, if investigating the impact of smoking by pregnant women on the fetus, it would be unethical to randomly assign pregnant women to groups. But utilizing quasi-experimental design can conduct such a research without randomization.

Notwithstanding the strengths, quasi-experimental designs have some limitations (Campbell & Stanley, 1966; Bernard & Bernard, 2012; Creswell, 2013).

- Internal validity: the lack of random assignment may introduce threats to internal validity. Some pre-existing differences between groups may affect the results.
- Non-equivalent test groups: unequal groups can limit the generalization of the results.

This study aims to examine the causal relationship between law teachers' teaching methods and law students' learning outcomes. As discussed previously, experimental designs (i.e., true experiments and quasi-experiments) are suitable for testing the cause-effect relationship between variables. When random assignment of groups is infeasible, the quasi-experimental design becomes one of the best choices. This quasi-experimental study seeks to investigate whether deploying a combination of case and problem methods could produce better learning outcomes than using only traditional lecture method.

From the many quasi-experimental designs (Campbell & Stanley, 1966), this study used a non-equivalent control group design. Specially, this study employed a pretest-posttest alternative treatment control group design to examine whether Treatment X generated different outcomes compared with those from Treatment Y. As depicted in Figure 6, a pretest-posttest alternative treatment control group design was adopted to test whether Treatment X (i.e., teaching with case method and problem method) is superior to Treatment Y (i.e., teaching with lecture method). Herein, X represents an exposure of a group to an experimental variable; Y denotes an alternative legitimate treatment to another group, such as treatment as usual; O represents an observation or measurement recorded on an instrument; O_1 means the pre-test occurring before intervention while O_2 represents the post-test after the intervention; the horizontal line separating the parallel rows indicates that the two groups are non-equivalent (Campbell & Stanley, 1963). Random assignment to groups was conducted using Excel to assign a random value to each participant and generate the group number based on the RANK and ROUNDUP functions (the formula is "=ROUNDUP (RANK (A1, randoms)/size, 0)").

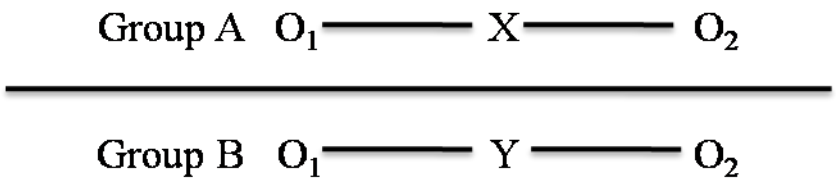

Figure 6. The pretest-posttest alternative treatment control group design.

The primary reason of employing a quasi-experimental design is due to the consideration that full random assignment of the two groups was not feasible in this teaching intervention study. In this study, the researcher did randomly assign the volunteers to conditions but negotiated with a small part of self-selection by the participants (i.e., six participants switched to alternate treatment due to timetable clashes before the teaching intervention began). Thus, full randomization as in a true experiment appeared to be impractical in this study.

The major disadvantage of this design is that beginning the research with non-equivalent groups increases the threat to internal validity. Therefore, researchers must rule out the pre-existing differences between groups as a confounding cause for the outcomes. Chi square test was conducted to investigate the significance of difference in distribution for sex and academic year between two groups (see Chapter 7). Also, MANCOVA was undertaken to test the significance of difference between post-test scores within both groups using the pre-test scores as a covariate to control the post-test scores. This will minimize the possible impact of the pre-existing differences between groups on the outcomes.

3.5 Study 3: Semi-structured Interviews

Semi-structured interviews combine both the structured and unstructured interviews features (Wilson, 2014). In semi-structured interviews, the interviewer does not strictly follow a guideline with predetermined open-ended questions, and new questions arise spontaneously in a free-flowing conversation between the interviewer and interviewees (Dicicco-Bloom & Crabtree, 2006). Thus, semi-structured interviews are well suited for exploring attitudes, values, beliefs, and motives. The purpose of this qualitative case study that is embedded within a larger quasi-experimental design is to investigate the attitudes of law student participants to the intervention deploying different teaching methods. This means the features of semi-structured interviews are compatible with the aims of the qualitative case study. To gather data regarding an evaluation of the teaching intervention (i.e., the quasi-

experimental study) based on the experiences of law student participants, semi-structured interviews were conducted. The data gathered from the interviews can help better understand the findings of the quasi-experimental study. The integration of quantitative data with qualitative data should delineate a holistic picture of the research findings and thus benefit drawing a more accurate and convincing conclusion.

Compared with other data collection approaches, semi-structured interviews have some advantages (Smith, Harre, & Langenhove, 1995; Fylan, 2005; Cohen & Crabtree, 2006):

- Flexibility: semi-structured interviews incorporate both the structured and unstructured styles and hence can not only ensure the objective comparison of interviewees but also provide a spontaneous approach that allows in-depth probing of questions of interest.
- Predetermined questions: semi-structured interviews allow the interviewer to prepare some questions in advance, which ensures the key topics of interest are addressed and covered.
- Freedom to express: semi-structured interviews are more like free conversation, rather than asking a series of questions and hence interviewees can express their views freely.
- Non-verbal indicators: during the face-to-face interviews, non-verbal indicators (e.g., body language) can assist in evaluating the truthfulness of data collected.

The major disadvantages of semi-structured interviews are that conducting semi-structured interviews, transcribing, and data analysis are all time-consuming and involve much resources (Cohen & Crabtree, 2006; Morris, 2015).

The semi-structured interviews were conducted a short period of time (about a week later) to the teaching intervention to ensure the accuracy and reliability of the interviewees' description about the quasi-experiment (Harris & Brown, 2010). As discussed in section 3.2 of this chapter, one of the advantages of embedded mixed methods design is that it requires less time and fewer resources. Hence, the participants of the interview study were recruited conveniently from the two groups of the quasi-experimental study on a voluntary basis, which mitigates the deficiency of semi-structured interviews regarding the time-consuming and resource-intensive features. Moreover, the interviews were carried out like free conversation between the researcher and students in a friendly atmosphere, which can elicit interviewees' truthful expression with respect to their attitude and evaluation about the teaching intervention. To avoid bias in coding, two independent raters were invited to participate in the study and each rater was given a coding dictionary and two sample transcriptions. Inter-rater kappa coefficient was calculated to ensure coding reliability.

Chapter 4: Survey Study

4.1 Introduction

This study employs a large-scale cross-sectional online survey to investigate the perceptions of Chinese lawyers, judges, prosecutors, law teachers, and law students regarding the quality of current Chinese legal education and appropriate law school graduate attributes. This study aims to identify (1) the range of teaching methods currently used in law schools, (2) the graduate attributes considered to be critical for practical legal work from the perspective of law students and law professionals, (3) how well the graduate attributes have been taught according to legal educators and law students, and (4) which graduate attributes have not been well acquired by law graduates according to legal practitioners (i.e., lawyers, judges, and prosecutors). Based on statistical analysis of the questionnaire responses, conclusions are drawn about law school teaching and student outcomes.

4.2 Method

4.2.1 Participants

Participants from two groups (group 1: law students, *N*=283; group 2: legal professionals including lawyers, judges, prosecutors, and law teachers, *N*=280) were recruited on a voluntary basis from law firms, courts, procuratorates, and law schools. Participants responded to an online survey. Due to the length of the survey, the completion rate was 60% of those who started the survey. Table 2 presents only participants who completed all questions. As detailed in Table 2, the two major groups (i.e., students and professionals) were almost the same sample size (i.e., 283 vs. 280).

Table 2

Participants by Employment Status

Status	Count	%
Legal Professionals	280	49.73
Judge	55	9.77
Prosecutor	64	11.37
Lawyer	131	23.27
Law teacher	30	5.33
Law student	283	50.27

Status	Count	%
Undergraduate	260	91.87
Postgraduate	23	8.13
Total	563	100

In terms of the law student group, around 92% of participants were undergraduates, while the remainder comprised postgraduate and doctoral law students. This preponderance of undergraduates is aligned with the study's aim of focusing on the efficacy of teaching methods in undergraduate legal education. Also, more than 70% of law student participants had studied law for at least one year. By contrast, less than 10% of law students had studied law for less than six months. This shows that the main body of law student participants is qualified to respond to the questionnaire in terms of the teaching methods in their law schools.

In terms of geographic location, all participants (*N*=563) in both groups were dispersed across 82 cities or municipalities, and directly governed cities within 29 provinces in China. The 29 provinces constitute 85% of the 34 administrative regions in China. This ensures that the responses of the participants represent the population of Chinese legal professionals and law students and truly reflect the current state of Chinese legal education.

4.2.2 Procedures

An online survey using Qualtrics was administered in June 2016, with approval of the University of Auckland Human Participants Ethics Committee (# HPEC 017179). A snowball technique was used to recruit participants via various channels. An email soliciting help with the advertisement, which included the PIS (Participant Information Sheet), was sent to the offices of law firms, courts, procuratorates, and law schools. With the help of the office staff, the advertisement and the PIS were sent to the potential participants through email, QQ (an instant messaging software), or WeChat (a smartphone messaging and calling application). Also, the student researcher used his own personal network to disseminate the link to the questionnaires. If the potential participants chose to do the questionnaire, they could either open the link or scan the QR code on the advertisement to access it. The participants were advised in the PIS and the advertisement that it would take 20-25 minutes to complete the questionnaire and that participation was completely anonymous and voluntary. The online

survey was closed after obtaining 250 or more complete cases in each of the two groups of participants.

4.2.3 Instrument

An online survey (see Appendix A) had to be designed from scratch because no existing questionnaire suited investigating the current state of teaching in Chinese legal education and the graduate attributes of legal education. Three main principles guided the design of the survey: (1) alignment with Chinese methods of legal education; (2) psychometric principles including a) constructs are operationalized in stimulus items, b) multiple indicators needed to represent constructs, c) structured, closed response data collection, d) factor analytic methods used to model participant responses; and (3) feasibility of responding online.

Firstly, the student researcher carried out investigations to determine the graduate attributes of the law schools, both in the common law system and in the Chinese law system. By comparing and synthesizing the graduate attributes collected from the websites of ten noted law schools in the common law system and five prestigious law schools in mainland China, a checklist of 20 graduate attributes of law schools was developed (see Appendix B). The researcher then designed the online survey based on the checklist of the graduate attributes. Through this online survey, law students and teachers were asked how well each attribute has been taught and how important it is to success, as well as the range of teaching methods currently being employed in legal education. Lawyers, prosecutors, and judges were asked to identify critical attributes needed for successful practice in the legal profession of China, and the degree to which those attributes are successfully delivered by legal education.

4.2.4 Analysis

The data collected was downloaded directly from Qualtrics as a spreadsheet. After checking for errors, the three different response methods were converted to a numerical scale (Table 3):

Table 3

Numerical Scale of Three Response Methods

Score value	Agreement	Importance	Quality
1	Strongly disagree	Not important	Very Poor

Score value	Agreement	Importance	Quality
2	Disagree	Slightly important	Poor
3	Neutral	Moderately important	Satisfactory
4	Agree	Important	Good
5	Strongly agree	Very important	Excellent

Frequency analysis showed how many people chose each response option for each graduate attribute. The data were analysed factorially to reduce the complexity of the questionnaires into credible constructs (i.e., confirmatory factor analysis). The factorial structure of similar sets of items was tested for invariance across participant groups (i.e., multi-group confirmatory factor analysis). Mean scores for each factor were computed and compared between groups to establish common and unique evaluations of the legal education system and its outcomes.

It should be noted that there shows a declining trend with respect to the completion number of law student and law teacher participants from question to question in the survey (Table 4). Table 2 presents the numbers of participants who have completed all the questions in the questionnaires, while Table 5 used the numbers of law students and law teachers who have completed Question 5 (*N*= 433) and Question 6 (*N*= 46) in the questionnaires respectively. In order to ensure the data collected more representative of the population, the numbers (*N*= 433; *N*= 46) herein were used for data analysis.

Table 4

The Count of Law Student and Law Teacher Participants from Question to Question

	Law students	Law teachers
Question 1	488	61
Question 2	472	53
Question 3	472	56
Question 4	464	48
Question 5	433	52
Question 6	299~304	46
Question 7	283	31
Question 8	--	30

Note. -- denotes that there is no Question 8 for law students to answer in the survey.

4.3 Results

4.3.1 Teaching Methods Currently Used in Chinese Legal Education

Numerical scales regarding "agreement" from the perspectives of law students and teachers were presented in Table 3. As shown in Table 5, 65% of law students and 78% of law teachers agreed that the teaching at law schools was aligned with the objectives of the courses. However, only 38% of law students and 32% of law teachers believed that law students can resolve a case independently. Moreover, approximately 86% of law student and 91% of law teacher participants indicated that lecture method was used most often, while only 3% of law students and no law teachers disagreed with this statement. This suggests that law students probably have not acquired sufficient skills needed for resolving cases independently through the predominantly lecture-based legal education.

Table 5

Three Questions for Law Students and Law Teachers

Question	Strongly agree		Agree		Neutral		Disagree		Strongly disagree	
	law students (%)	law teachers (%)	law students (%)	law teachers (%)	law students (%)	law teachers (%)	law students (%)	law teachers (%)	law students (%)	law teachers (%)
1. What law teachers have taught is aligned with the objectives of the course.	16.86	28.26	48.50	50.00	26.1	15.22	8.55	6.52	0	0
2. Law students are capable of resolving a case independently by using the knowledge and skills learned at law schools.	9.93	4.35	28.87	28.26	32.79	32.61	25.4	34.78	3.00	0
3. The lecture method still occupies the leading position in my law school.	31.87	34.78	54.73	56.52	10.39	8.70	2.77	0	0.23	0

As can be seen from Table 6, from the perspective of law students, the means of the actual percentage and the preferred percentage of teaching with lecture method in law schools were 53.7% and 29.4% respectively. This indicates that the law students would like to bring down by at least 20% the usage of lecture method in law schools. Also, the Cohen's *d* value (*d*= -1.15) indicates a large effect size with respect to the shift between actual percentage and preferred percentage of lecture method. In terms of case method, problem method, and clinical method, the Cohen's *d* values (*d*= 0.76; *d*= 0.71; *d*= 0.77 respectively) show that the changes between actual percentage and preferred percentage are medium. This suggests that law students hope to moderately introduce more alternative teaching methods (such as case method, problem method, and clinical method) into their classes.

Table 6

The Actual and Preferred Percentage of Various Teaching Methods in Law Schools from the Perspective of Law Students and Law Teachers

		Actual		Preferred		Effect Size
Teaching Method	Participants	*M*	*SD*	M	*SD*	Cohen's *d*
Lecture Method	Law students	53.7	24.3	29.4	17.2	-1.15
	Law teachers	61.3	18.6	38.4	19.0	-1.22
Case Method	Law students	20.0	12.5	29.9	13.5	0.76
	Law teachers	21.3	14.8	29.4	15.3	0.54
Problem Method	Law students	11.2	8.9	17.7	9.4	0.71
	Law teachers	9.4	6.9	16.2	8.5	0.93
Clinical Method	Law students	9.2	9.9	17.5	11.7	0.77
	Law teachers	5.3	5.8	13.2	8.0	1.13
Other Methods	Law students	1.9	6.8	1.4	5.3	-0.08
	Law teachers	0.6	2.0	0.5	2.0	-0.05

Note. Cohen's *d* is negative if Actual is greater than Preferred

Similarly, from the perspectives of law teachers, the means of the actual percentage and the preferred percentage of lecture method deployed in law schools were 61.3% and 38.4% respectively (Table 6). This shows that law teachers also supported the need to reduce by at least 20% the usage of lecture method. The Cohen's *d* value (*d*= -1.22) indicates that the shift between actual percentage and preferred percentage of lecture method is large. On this point, law teachers' responses happened to coincide with those of law students. This also supports the aforementioned result (Table 5) that lecture method still predominates in law schools in China.

With regard to the preferred percentage of use of case method, problem method, and clinical method, both law students and law teachers would like to increase use by 8% on average, compared with the means of actual percentages. This suggests both law students and law teachers welcome the use of more alternative teaching methods in their classes.

In terms of the actual percentages for use of problem method and clinical method, the means are approximately 10% or even less, either from the perspective of law students or law teachers. This indicates law teachers seldom use these two methods to teach law. Further research needs to be done to explore the efficacy of these two methods in the context of Chinese legal education.

To sum up, both law student and law teacher participants agreed that lecture method still predominates in law schools in China and that the use of lecture method in law schools should be reduced by at least 20%. In contrast, the use of case method, problem method, and clinical method should each be increased by approximately 8% on average.

4.3.2 Importance of the Graduate Attributes

All participants were asked to indicate the importance of each graduate attribute in the checklist using a 5-point scale from "not important" to "very important" (the numerical scale in terms of importance of the graduate attributes, see Table 3). The results show that the mean scores of 20 graduate attributes were all greater than or close to 4 (= "important") from the perspectives of all participants. This means that almost all graduate attributes in the checklist are important for law students to succeed in their future legal practice according to legal professionals as well as law students. Although all items were within normal range for skewness (i.e., <|3.00|) (Kline, 2005; Cramer & Howitt, 2004) and for kurtosis (i.e., <|7.00|) (Byrne, 2013), the reliability of the checklist of graduate attributes needs further testing.

4.3.3 Reliability of the Checklist of Graduate Attributes

A process of confirmatory factor analysis (CFA) was conducted to further test the reliability of the checklist. The 20 graduate attributes can be classified theoretically into three dimensions: knowledge, skills, and values (Johnson & Johnson, 1991; Slorach & Nathanson, 1996). Hence, a model with these three constructs and 20 items (i.e., 20 graduate attributes) was generated. A confirmatory factor analysis was carried out across groups in order to (1) improve the checklist of graduate attributes, (2) check the model fit indices of the three-construct model, and (3) check the validity of the questionnaire.

A CFA of the data sets of law students in terms of how well each attribute has been taught in law schools was run to check the model fit indices of four models (See Table 7). As detailed in Table 7, the χ^2/df ratio, SRMR, and CFI of Model 1 (without removing any item) were good enough as a sign of model fit, whereas the RMSEA (> .08) and the gamma hat value (< .90) of this model suggest unacceptable model fit. By contrast, all model fit indices of Model 2 were good enough to indicate acceptable fit through removing A12 and A17 due to their large sum of modification index (i.e., 119.92 and 252.76 respectively). The correlation coefficients between factors and items in Model 2 are depicted in Figure 7.

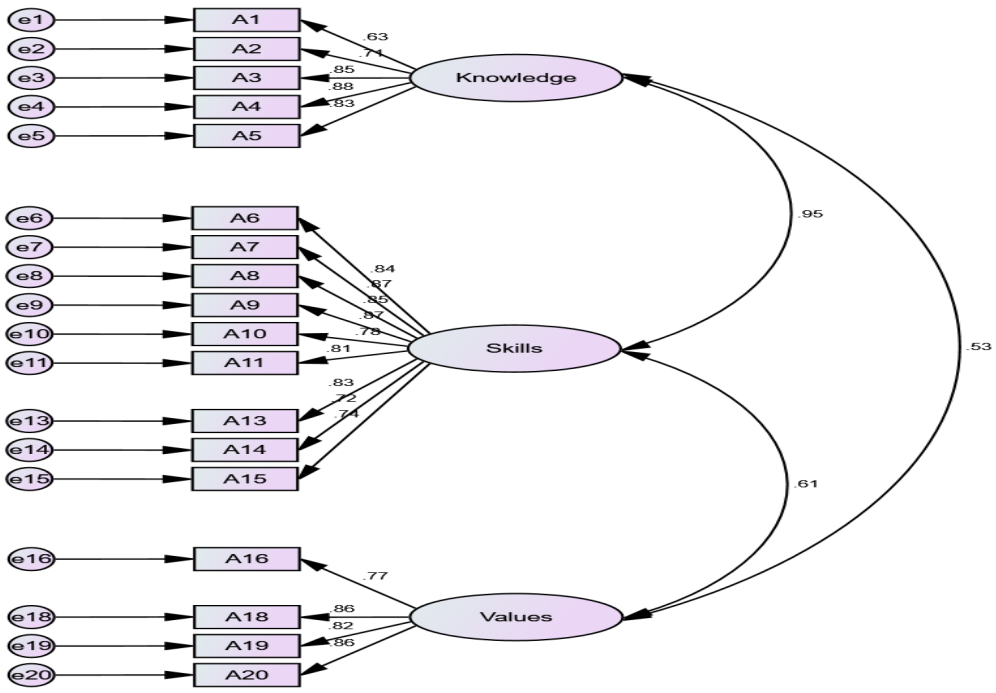

Figure 7. The standardized coefficients between factors and items in Model 2-law students.

As can be seen from Figure 7, the correlation coefficient between knowledge and skills was .95 in Model 2, which means these two factors are so closely correlated that they

could be statistically merged into one factor (i.e., K&S in Model 3 and 4). However, the RMSEA and gamma hat value of both Model 3 (without removing any items) and Model 4 (removing A12 and A17) indicate an unacceptable fit. Also, the difference between AIC values (ΔAIC between Model 2 and Model 3 is -204.39; ΔAIC between Model 2 and Model 4 is -37.16) is very much in favour of Model 2. Hence, the model fit did not become better when merging knowledge and skills into one factor (K&S). Also, knowledge and skills differ conceptually and should not be deemed as one factor. In sum, Model 2 fits the data best among these four models. According to Model 2, the checklist of graduate attributes could be improved by trimming Attributes 12 and 17.

Table 7

Model Fit Indices of Four Models Regarding How Well Each Attribute Has Been Taught According to Law Students

Model	k	Inter-factor correlations *(r)*	χ^2	*df*	χ^2/df (*p*)	SRMR	RMSEA (90% CI)	CFI	Gamma hat	AIC
1 (3 factors inter-correlated)	20	knowledge ↔ skills .94 skills ↔ values .67 values ↔ knowledge .56	544.35	167	3.27 (.07)	.074	.090 (.081~.098)	.92	.88	630.35
2** (3 factors inter-correlated)	18	knowledge ↔ skills .95 skills ↔ values .61 values ↔ knowledge .53	397.09	132	3.01 (.08)	.058	.084 (.075~.094)	.94	.91	475.09
3 (2 factors inter-correlated)	20	K&S ↔ values .65	597.48	169	3.54 (.06)	.076	.095 (.087~.103)	.91	.87	679.48
4 (2 factors inter-correlated)	18	K&S ↔ values .59	438.25	134	3.27 (.07)	.059	.090 (.080~.099)	.93	.89	512.25

Note. Model 1 without removing any items; Model 2 removing A12 and A17; Model 3 without removing any items; Model 4 removing A12 and A17; k= number of items; SRMR= standardized root mean residual; RMSEA= root mean square error of approximation; CFI= comparative fit index; AIC= Akaike information criterion; **= preferred model.

A CFA of data sets of legal professionals (i.e., law teachers, lawyers, prosecutors, and judges) with respect to how well each attribute has been acquired by law students (graduates) was also conducted to check the model fit of the same three-construct model (i.e., knowledge, skills, and values). As shown in Table 8, the χ^2/df ratio, SRMR, and CFI of Model 1 (without removing any item) suggest acceptable fit, whereas the RMSEA (> .08) and the gamma hat value (< .90) of the model indicate unacceptable model fit. By contrast, all model fit indices of Model 2 were good enough as a sign of model fit through trimming A14 and A15. Moreover, the difference of AIC values between Model 2 and Model 1 (ΔAIC= -184.14) indicates that Model 2 is superior to Model 1. The correlation coefficients between factors and items in Model 2 are presented in Figure 8. Additionally, the knowledge and skills should not be merged into one factor due to the same reason aforementioned, although these two factors were highly correlated (r = .93). As detailed in Table 8, the RMSEA and gamma hat value of both Model 3 (without removing any items) and Model 4 (removing A14 and A15) indicate an unacceptable fit. Also, the difference between AIC values (ΔAIC between Model 2 and Model 3 is -254.67; ΔAIC between Model 2 and Model 4 is -61.22) is very much in favour of Model 2. Hence, the model fit did not become better when merging knowledge and skills into one factor (K&S). To sum up, Model 2 fits the data better than Models 1, 3, and 4. According to Model 2, the checklist of graduate attributes could be improved through removing Attributes 14 and 15.

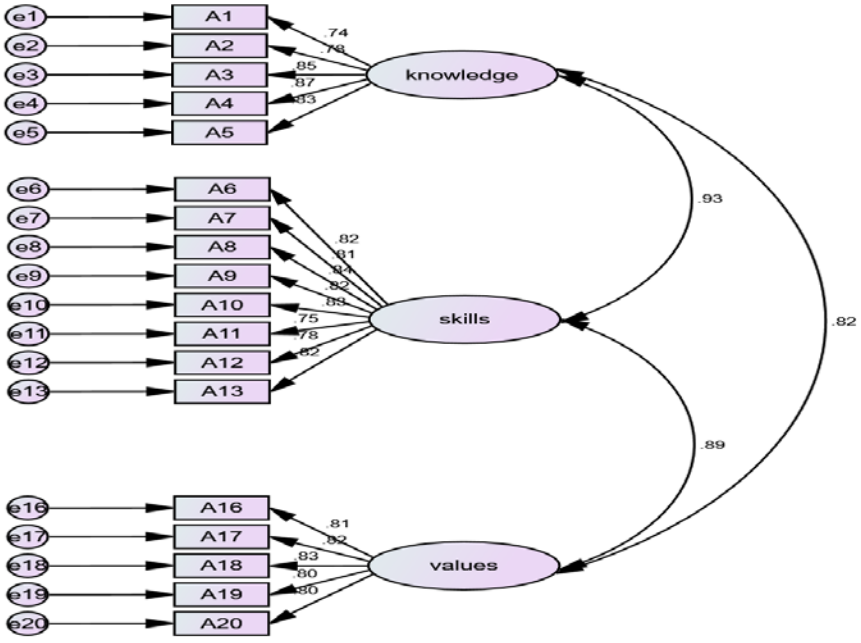

Figure 8. The standardized coefficients between factors and items in Model 2-legal professionals.

Table 8

Model Fit Indices of Two Models Regarding How Well Each Attribute Has Been Acquired by Law Students (Graduates) from the Perspectives of Legal Professionals

Model	k	Inter-factor correlations *(r)*	χ^2	*df*	χ^2/df (*p*)	SRMR	RMSEA (90% CI)	CFI	gamma hat	AIC
1 (3 factors inter-correlated)	20	knowledge ↔ skills .92 skills ↔ values .89 values ↔ knowledge .82	539.786	167	3.23 (.07)	.046	.089 (.081~.098)	.92	.88	625.79
2** (3 factors inter-correlated)	18	knowledge ↔ skills .93 skills ↔ values .89 values ↔ knowledge .82	363.654	132	2.76 (.10)	.039	.079 (.070~.089)	.95	.92	441.65
3 (2 factors inter-correlated)	20	K&S ↔ values .88	614.32	169	3.64 (.06)	.050	.097 (.089~.106)	.91	.86	696.32
4 (2 factors inter-correlated)	18	K&S ↔ values .88	428.87	134	3.20 (.07)	.043	.089 (.079~.098)	.93	.89	502.87

Note. Model 1 without removing any item; Model 2 removing A14 and A15; Model 3 without removing any items; Model 4 removing A14 and A15; k= number of items; SRMR= standardized root mean residual; RMSEA= root mean square error of approximation; CFI= comparative fit index; AIC= Akaike information criterion; **= preferred model.

In order to compare the factor mean scores between two groups (i.e., law students vs. legal professionals), multi-group confirmatory factor analysis (MGCFA) was implemented first to test the configural, metric, and scalar invariance of the three-factor model (see Figures 7 and 8) across both groups. If multiple levels of equivalence between groups were demonstrated (i.e., $\Delta CFI \leq .01$; Cheung & Rensvold, 2002), the invariance indicates that the two groups come from equivalent populations, which makes comparison of the mean scores between groups appropriate (Wu, Li, & Zumbo, 2007).

Four items (A12, A14, A15, and A17) were removed first in Model 1 because two items were trimmed in the separate group models (i.e., A12 and A17 were removed from the law student model; A14 and A15 were removed from the legal professional model). As shown in Table 9, the RMSEA (.059) of Model 1 at unconstrained model level was greater than .05 and the PCLOSE (.01; 90% CI) was less than .05. This indicates that the two groups were not invariant at unconstrained model level. Also, the difference of CFI between the metric model and the scalar model was .010 ($\Delta CFI = .01$), which suggests the two groups were not invariant at the scalar model level. Hence, Model 1 was modified by trimming items.

After removing six items (i.e., A2, A10, A12, A14, A15, and A17), the RMSEA (.055) of Model 2 at unconstrained model level was still greater than .05. But the PCLOSE value (.091; 90% CI) was greater than .05, which indicates the population RMSEA could be no greater than .05. Hence, the two groups are close to being invariant at unconstrained model level. Also, the differences of CFI between the nested models with increasing constraints were all less than .01, which indicates that the two groups were strictly invariant. Furthermore, all model fit indices of Model 2 meet expectations for a good model.

To sum up, Model 2 fits the data sets of both groups better than Model 1. The statistical equivalence across groups was also demonstrated in Model 2. The checklist of graduate attributes can be applied to the broader population by trimming six items accordingly in Model 2. Hence, the next step is to compare the mean scores of the three factors between groups.

Table 9

Model Fit Indices of Two Models in Multi-Group CFA

Model	*N*	k	Model Level	χ^2	*df*	χ^2/df (*p*)	SRMR	RMSEA (90% CI)	RMSEA PCLOSE	CFI	ΔCFI	Gamma hat	AIC
Model 1 (removing A12, A14, A15, and A17)	LS=283 LP=279	16	Unconstrained	591.95	202	2.93 (.09)	.06	.059 (.053~.064)	.01	.948	--	.92	795.95
			Measurement weights	622.48	215	2.90 (.09)	.06	.058 (.053~.064)	.01	.946	.002	.92	800.48
			Measurement intercepts	711.78	231	3.08 (.08)	.06	.061 (.056~.066)	.00	.936	.010	.90	857.78
			Structural covariances	769.35	237	3.25 (.07)	.07	.063 (.058~.068)	.00	.929	.007	.89	903.35
			Measurement residuals	769.15	253	3.15 (.08)	.07	.062 (.057~.067)	.00	.928	.001	.89	898.15
Model 2** (removing A2, A10, A12, A14, A15, and A17)	LS=283 LP=279	14	Unconstrained	400.24	148	2.70 (.10)	.06	.055 (.049~.062)	.09	.961	--	.94	580.24
			Measurement weights	419.43	159	2.64 (.10)	.06	.054 (.048~.060)	.14	.960	.001	.94	577.43
			Measurement intercepts	483.26	173	2.79 (.09)	.06	.057 (.051~.063)	.03	.952	.008	.93	613.26
			Structural covariances	538.55	179	3.01 (.08)	.07	.060 (.054~.066)	.00	.944	.008	.92	656.55
			Measurement residuals	554.00	193	2.87 (.09)	.07	.058 (.052~.064)	.01	.944	.000	.92	644.00

Note. LS= law students; LP= legal professionals; k= number of items; SRMR= standardized root mean residual; RMSEA= root mean square error of approximation; CFI= comparative fit index; AIC= Akaike information criterion; **= preferred model.

4.3.4 Quality of the Legal Education in China

Numerical scales regarding the quality of legal education in China from the perspectives of law students and legal professionals were presented in Table 3. Based on Model 2 in MGCFA, the mean scores for the three factors between groups regarding how well each graduate attribute has been acquired by law students(graduates) were computed following the sum scores by factor method (DiStefano, Zhu, & Mîndrilă, 2009), given that the standard deviations of the raw data do not vary widely. As detailed in Table 10, law student participants were not satisfied with the graduate attributes cultivation of legal knowledge and skills ($M < 4.00$) through the current lecture-dominated legal education system. Only the delivery in terms of value attributes reached the "good" level (4= "good"). With regard to legal professional participants, they showed discontent with all three categories of graduate attributes cultivation (i.e., all three means were less than 4). In particular, the value attributes regarding professional ethics, integrity, and responsibility, which are crucial to the future legal work of law students (graduates), did not reach the "good" level (M= 3.77). Overall, the perception of the participants indicates that law students probably do not have sufficient depth in these attributes through the current predominantly lecture-based legal education system.

Table 10

Comparison of the Mean Scores for Each Factor between Groups regarding How Well Each Attribute Has Been Acquired by Law Students (Graduates)

	Law Students		Legal Professionals		Effect Size	
Factor	*M*	*SD*	*M*	*SD*	Cohen's *d*	*p*
Knowledge	3.60	0.99	3.33	1.00	0.27	0.001
Skills	3.60	1.00	3.44	0.92	0.17	0.049
Values	4.14	0.81	3.77	0.87	0.44	<.001

Note. Positive values of Cohen's *d* indicate Students were higher than Professionals.

Also, the difference between the mean scores of factors "Knowledge" and "Values" across groups showed a small effect size while the mean scores of factor "Skills" between groups differed, with a trivial effect size. These results indicate that legal professionals were a little more pessimistic and worried about the quality of current legal education in China than law students.

4.4 Summary

This survey study established a baseline of what various legal education stakeholders believe to be important teaching goals and the range of teaching methods currently being deployed. This study also helped to provide a description of the quality of Chinese legal education as well as highlighting its needs for improvement. The opinions of the contrasting groups highlight the need for the design of possible teaching interventions using alternative teaching methods, to be tested in a subsequent study (see Chapter 7).

Chapter 5: Pre- and Post-Tests Development and Validation

5.1 Introduction

Given that there are no existing recognized measures for assessing the acquisition of appropriate graduate attributes in relation to Chinese legal education, pre- and post-test for the purpose of evaluating the effect of the teaching intervention (see Chapter 7- Intervention Study) were developed based on the exposed papers of the National Judicial Examination (NJE). The sections that follow will discuss the validity and reliability of the newly developed measures.

5.2 Method

5.2.1 Participants

Two associate professors and a senior lecturer of law school at the Heilongjiang University in China were invited to participate in this study on a voluntary basis. They are excellent teachers in the area of Chinese criminal law and have taught criminal law for more than five years which makes them eminently qualified to evaluate the tests. These three experts in criminal law were asked to rate the content domain and difficulty of the tests.

5.2.2 Procedures

In Chinese legal education, the most important and exacting test is the National Judicial Examination (NJE). Passing the NJE is a prerequisite for becoming a lawyer, a judge, or a prosecutor in China. Once administered, items from the NJE are disclosed to the public. Hence, the researcher developed the pre- and post-tests (Appendix C) based on exposed papers of NJE from the recent five years (2011 to 2015).

The three experts in criminal law were invited to evaluate the newly developed tests in a meeting room of law school at Heilongjiang University. Each expert was provided with three rating forms (Appendices D, E, & F), a set of tests and a checklist of 20 graduate attributes. Rating procedures for content assignment per item followed those recommended by Gable & Wolf (1993). They were additionally asked to rate, using a modified Angoff standard setting approach, the difficulty of each item in terms of the proportion of barely passing students who would get the item correct (Cizek, 2001; Tannenbaum & Katz, 2013;

Hambleton & Pitoniak, 2006). The relationship of the items to the desired graduate attributes was also ascertained.

5.2.3 Instrument

Three rating forms were designed for evaluating the newly developed tests in terms of content and difficulty as well as the graduate attributes needed. One form (Appendix D) is used for experts to indicate the category that each item in the pre- and post-test best fits by circling the appropriate numeral. The conceptual definitions of the 25 categories these items are supposed to reflect, as well as the rating instructions, are listed on the form. The second task of the experts is to indicate how strongly they feel about their placement of the item into the category by circling the appropriate number as follows: 3="no question about it"; 2 =" strongly sure"; 1="not very sure".

The second form (Appendix E) aims to ask the experts to estimate the probability of a minimally competent student correctly answering each item in the pre- and post-test by circling the appropriate percentage. A ten-point scale from 10% to 100% was used to estimate the difficulty of the tests.

The third rating form (Appendix F) is designed for experts to indicate one or more desired graduate attributes that students could use to figure out each item in the pre- and post-test by circling the appropriate numeral(s). Three key attributes were listed in the form. Other attributes can be found in the checklist of 20 graduate attributes which was also provided to all experts in advance.

5.2.4 Analysis

In terms of content validity, the data collected was subjected to frequency analysis to indicate categorization of the experts and the similarity and difference between pre- and post-test. Also, kappa coefficient was calculated to measure the content similarity between pre- and post-test.

With respect to the difficulty of the tests, the mean scores of each expert' estimation and the correlations between individual ratings and the overall mean ratings in both tests were calculated. Also, Pearson correlation coefficients (*r)* and effect size (Cohen's *d*) between experts within and between tests were compared.

With regard to the relationship of the items to the desired graduate attributes, the rating of the experts was subjected to frequency analysis to check whether similar attributes would be required to answer items in both tests.

5.3 Results

5.3.1 Pre- and Post-Test Development

First of all, the content domain of the tests was restricted to Chinese Criminal Law and item selection was aligned with the intended lesson plans of the intervention study (see Chapter 7). The types of questions in both tests remained the same as the NJE's, but the questions were reduced from the long exam time of NJE (180 or 210 minutes) to about one hour. Accordingly, the content of the pre- and post-test was reduced proportionally to 10 multiple-choice questions, 7 apply-to-all (≥2) questions, and 4 apply-to-all (≥1) questions, which should take 25-30 minutes to complete, as well as 2 case analyses which will take about 15 minutes each to complete. Each item in the tests was selected in pairs from the exposed papers of NJE (from 2011 to 2015) to ensure that pre- and post-test were parallel in content and difficulty. Each pair of items was intended to assess the same or at least similar knowledge and/or skills, and be approximately the same difficulty. Then the paired items were assigned randomly to either the pre- or the post-test.

5.3.2 Pre- and Post-Test Validation

5.3.2.1 Item construction. It is assumed, because the NJE (criminal law section) tests were drafted by pre-eminent professors of Chinese criminal law and are proofread and checked many times before usage, that the items and tasks will be well written. The readability of items and tasks was also checked by the researcher as well as the accuracy of answer keys when developing test papers. Also, any controversial items (e.g., Question 8 on Paper 2 in 2014) as indicated by the comments and evaluations of criminal law experts after the answer key to NJE released by the National Judicial Examination Centre were intentionally avoided in the process of item selection. An important consideration in attempting to maximise content agreement between pre- and post-test items lies in the limitations of the exposed paper pool of NJE (from 2011 to 2015) from which the researcher selected items to develop the tests. It was difficult to find pairs of items which assessed the exact same content category from within the exposed NJE papers. Hence, several items

which were not completely correspondent but rather partially overlapping in terms of content category were also selected.

5.3.2.2 Judgmental evidence of content validity. To ensure content similarity, three experts (two associate professors and one senior lecturer of law school at the Heilongjiang University) in the area of Chinese criminal law checked the content domain (e.g., knowledge of the main concepts of criminal law, and the attributes needed to answer the questions correctly in the tests) of the tests. Rating procedures for content assignment per item followed those recommended by Gable & Wolf (1993).

Each expert was provided with a rating form (Appendix D) as well as pre- and post-test papers (Appendix C) such that they could rate and comment on the comprehensiveness of the content domain of the tests and the adequacy of sampling items from the content universe. The 24 substantive content categories were:

1. *Interpretation of Criminal Law*: refers to the clarification of the rules embedded in the criminal code, including legislative interpretation, judicial interpretation, and doctrinal interpretation; grammatical interpretation and logical interpretation; and amplified interpretation, restrictive interpretation, and analogy interpretation.

2. *Subjective Aspects of Crime*s: denotes the mental attitude of the subject of the crime to his/her harmful act and harmful consequences to the society, encompassing criminal intent, criminal negligence, accident, as well as the cognitive errors in criminal law.

3. *Omission in Criminal Law*: refers to such a situation that an actor who has obligations to make a specific positive act and possesses the ability to fulfil it didn't make such an act, including the sources of obligations to act and the types of omission.

4. *Causality in Criminal Law*: means the relationship of causing and being caused between harmful act and harmful consequences, involving causality in fact and causality in law; conditioning theory and considerable causality; intervening factor and the judgement of considerable causality.

5. *Legitimate Defence*: denotes a countermeasure that involves defending the interests of State and society, and the personal rights, property, and other rights of oneself or others from ongoing unlawful offense. Legitimate defence that harms the offender is the act being exempted from criminal responsibilities.

6. *Joint Crime*: refers to the crime intentionally committed by two or more actors, including principal offender, accomplice, coerced accomplice, abettor, one-sided joint crime and their liabilities.

7. *Stopped Pattern of Intentional Crime*: involves the various patterns stopped due to subjective or objective reasons in the process and stages of commencing, developing, and consummating of direct intentional crime, encompassing preparation for a crime, attempted crimes, discontinuation of crimes, and consummated crimes.

8. *Imaginative Coincidental Offense*: refers to a criminal act which infringes several criminal objects and could be facing several distinct charges imaginatively, involving the differences between imaginative coincidental offense and the overlap of articles of criminal law.

9. *Implicated Offense*: denotes such a criminal pattern that several criminal acts committed for a single criminal purpose have such implicated relationship as between means and end or cause and consequences and could be facing several charges theoretically.

10. *Voluntary Surrender*: means an authentic confession of one's own crime to the public security organ, judicial authority, or other relevant organs on a voluntary basis, including general surrender and quasi-surrender; the differences between voluntary surrender and confession.

11. *Meritorious Performance*: involves such acts that criminals disclose others' crimes which are verified to have already happened or provide critical clues through which a case has been cracked, including assisting judicial authority to arrest other suspects and so on.

12. *Offence of Intentional Homicide*: refers to the intentional act of illegally depriving others' lives, encompassing instigating or assisting others' suicide, euthanasia; and the boundary between intentional homicide and relevant crimes (e.g., false imprisonment and torture interrogation).

13. *Offence of Intentional Harm*: involves doing unlawful harm to others' health intentionally to a severe extent, including doing harm to others' health based upon promises; the boundary between intentional homicide and intentional harm; and the special provisions in criminal law regarding forcible selling blood and organizing the selling of human organs.

14. *Offence of Kidnapping*: denotes an unlawful act of kidnapping others for purpose of extortion or as hostages, involving the boundary between kidnapping and false imprisonment, blackmail and extortion, and robbery.

15. *Offence of False Imprisonment*: refers to the acts of unlawfully depriving others' personal liberty through custody, confinement, or other forcing methods, encompassing the implicated offense or imaginative coincidental offense between false imprisonment and intentional homicide, intentional harm, and torture interrogation.

16. *Offence of Larceny*: denotes the acts of stealing a relatively large amount of public or private property, or repetitious theft, burglary, theft with a lethal weapon, or pocket-picking, for the purpose of unlawful possession, including the consummation criteria of larceny; the coincidence between larceny and offense of destroying electrical power unit; the boundary between larceny and conversion of property.

17. *Offence of Fraud*: involves defrauding a relatively large amount of public or private property through fabricating facts or suppressing the truth for the purpose of unlawful possession, including the boundary between fraud and swindle by false pretence; the overlap of articles of criminal law between fraud and credit card fraud, financial fraud, and load fraud.

18. *Offence of Robbery*: refers to the acts of forcibly robbing public or private property on the spot through violence, coercion, or other methods for the purpose of unlawful possession, encompassing the consummation criteria of robbery; the boundary between robbery and intentional homicide, forcible seizure, blackmail and extortion, and kidnapping; the recognition of transformed robbery.

19. *Offence of Forcible Seizure*: denotes the acts of publicly snatching a relatively large amount of public or private property or snatching repeatedly for the purpose of unlawful possession, involving the boundary between forcible seizure and robbery, and larceny; the transformation between larceny and forcible seizure.

20. *Offence of Graft*: involves unlawful possessing public property through invalid occupation, stealing, fraud or other methods, taking advantage of the position, committed by functionaries in state organs or persons deputed by state-owned firms, enterprises, public institutions, or people's organizations to manage and operate state-owned property.

21. *Offence of Embezzlement*: refers to embezzling public money for personal use, or for unlawful actions, or embezzling a relatively large amount of public money for profits, or embezzling a relatively large amount of public money and not returning the money over three months, committed by functionaries in state organs taking advantage of their position, including the boundary between embezzlement and diversion of funds, or diversion of specified money and goods.

22. *Offence of Bribery*: denotes the acts of demanding others' property, or unlawful accepting others' property and seeking profits for the bribers, committed by functionaries in state organs taking advantage of their position.

23. *Offence of Offering Bribes*: involves offering property to functionaries in state organs for seeking wrongful profits, encompassing offering bribes to influential persons, introducing bribery, and units offering bribes.

24. *Offence of Harbouring*: refers to the acts of providing criminals known obviously with cache, property to assist their absconding, or harbouring criminals by giving false proofs, involving the boundary between harbouring and perjury, aiding a client to destroy or forge evidence, and bending the law for self-seeking.

25. *Others*: Not included in above categories.

According to traditional theories of Chinese criminal law, these 24 categories could be grouped into two meta categories and several superordinate categories as depicted in the tree map below (Figure 9).

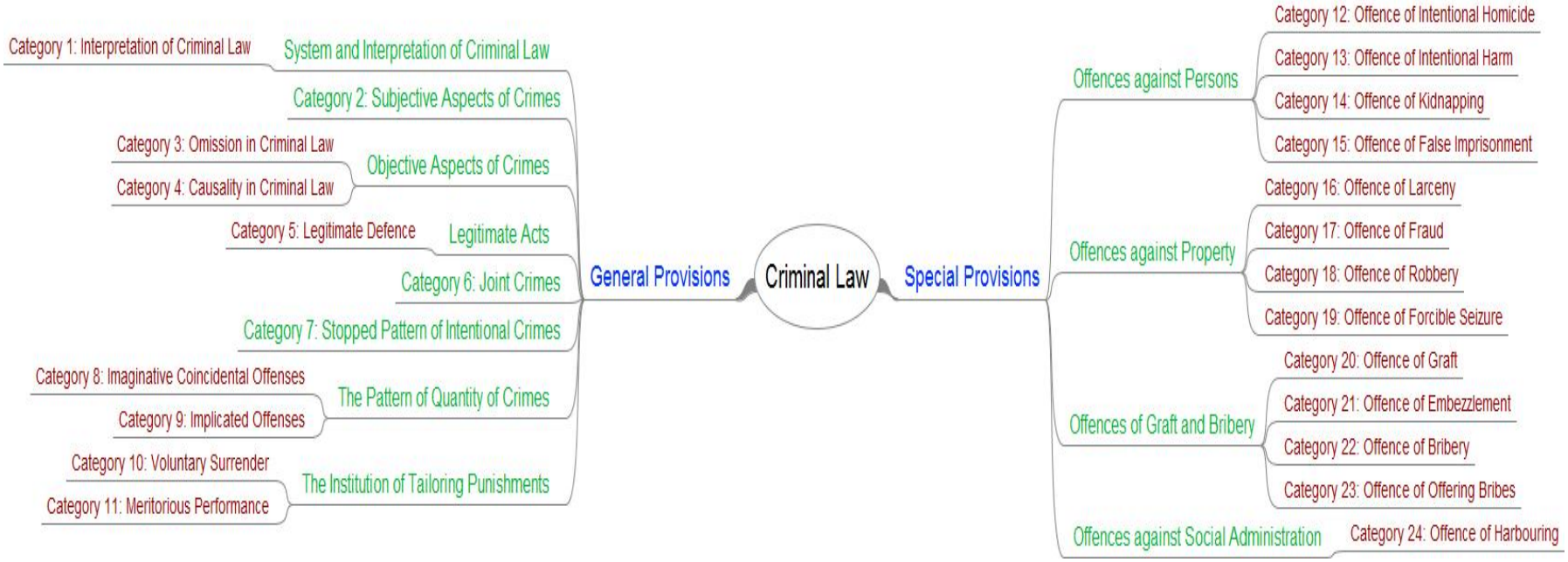

Figure 9. The Tree Map of 24 Content Categories.

Making use of a technique developed by Gable & Wolf (1993), for each test item, the experts were asked to identify the category that best fits the item by circling the appropriate numeral. Statements not fitting any category were to be placed in Category 25. Additionally, the experts were asked to indicate how sure they were that the selected category fit the item. They were given 3 options: 1=not very sure; 2=strongly sure; 3=no question about it. This procedure was repeated for both the pre- and post-tests designed for the study.

During the process of ratings, there were some discrepancies between the experts which were resolved through discussion. Thus, it should be noted that the results displayed in Tables 11, 12 and 13 were not initial results, but the final results after resolution of discrepancies.

5.3.2.3 Pre- and post-test content analysis. As shown in Table 11, according to the experts' ratings, the content of the pre-test covered 88% of all categories (22 out of 25 categories except Category 3, 9 and 15) in terms of the teaching content in the intervention study (Chapter 7). The content of the post-test covered 80% of all categories (20 out of 25 categories except Category 3, 9, 15, 18, and 19). This shows that the adequacy of sampling items from the content universe was arguably acceptable.

Also, nine out of 22 categories (excluding three untested categories) in pre-test and six out of 20 categories (excluding five untested categories) in post-test were covered by only one item. Nine items in both tests were judged to fit multiple categories. Given that there exist situations of only one item per category, the information was aggregated into the two superordinate categories (i.e., general provisions of criminal law & special provisions of criminal law; see Figure 9) when analysing the constructs of both tests in the intervention study. Details regarding this will be discussed in Chapter 7.

Additionally, all questions ended with unanimous ratings (100% agreement) through discussion among the experts. The certainty rating for the categories was also 100% agreement as being 'no question about it', which indicates that they were very confident about their categorisation of the items.

Table 11

Content Validity Ratings for Both tests

Category	Pre-test Items	Post-test items
1. Interpretation of Criminal Law	5	5
2. Subjective Aspects of Crimes	11	11
3. Omission in Criminal Law	--	--
4. Causality in Criminal Law	1	1
5. Legitimate Defence	6	6
6. Joint Crime	2, 13, 23	2,13,23
7. Stopped Pattern of Intentional	3,12,15,22,23	12,15,22,23
8. Imaginative Coincidental Offense	22	22,23
9. Implicated Offense	--	--
10. Voluntary Surrender	20,22	20,22
11. Meritorious Performance	22,23	20
12. Offence of Intentional Homicide	3,22	3,22
13. Offence of Intentional Harm	3,9	3,9
14. Offence of Kidnapping	22	22
15. Offence of False Imprisonment	--	--
16. Offence of Larceny	4,17,22	4,17,22
17. Offence of Fraud	4,16,21,22	4,16,21,22
18. Offence of Robbery	17	--
19. Offence of Forcible Seizure	17	--
20. Offence of Graft	18,19	8,18,19,23
21. Offence of Embezzlement	8,18,19	18,19,22
22. Offence of Bribery	7,8,14,23	7,8,14,18,23
23. Offence of Offering Bribes	7,23	19,23
24. Offence of Harbouring	10	7,10
25. Others	22,23	8,23

Note. -- indicates the categories which were not to be tested in both tests.

5.3.2.4 Comparison of two tests. The goal in designing the two tests was to match the content of items. Inspection of Table 12 shows that 14 items were assigned to the same category in both tests, while nine items were assigned to different multiple categories across the pre and post-tests. However, if assigned into the two

superordinate categories (i.e., general provisions of criminal law & special provisions of criminal law), six (i.e., Item 7, 8, 17, 18, 19, and 20) out of the nine items were categorized into the same superordinate category whereas the other three items (i.e., Item 3, 22, and 23) still showed discrepancies. The combination of knowledge of general provisions and special provisions in criminal law to answer some questions (particularly when answering Item 22 and 23 which were case-analysis questions) correctly in both tests is appropriate given the nature of the knowledge across the two provisions.

Table 12

The Content Comparison between Pre-test and Post-test

	Agreement	Disagreement
Items	1，2，4，5，6，9，10，11，12，13，14，15，16，21	3，7，8，17，18，19，20，22，23
Sum	14 items	9 items

Though these nine items did not have 100% correspondence, there was some degree of content categorisation in common between pre- and post-tests. Table 13 shows the actual categories in common and unique for each of the nine items. This suggests that while not identical, the content of the parallel items had enough similarity to claim that the two tests covered similar content.

Table 13

Common and Unique Categories for Nine Non-identical Items in Pre- and Post-test

Item	Categories in common	Unique Categories	
		Pre-test	Post-test
3	12, 13	7	None
7	22	23	24
8	22	21	20,25
17	16	18,19	None
18	20,21	None	22

Item	Categories in common	Unique Categories	
		Pre-test	Post-test
19	20,21	None	23
20	10	None	11
22	7,8,10,12,14,16,17	11,25	2,21
23	6,7,20,22,23,25	11	8

Based upon the categorisation of experts (see Table 11 and Table 13), the kappa value which indicates the content similarity between pre-test and post-test was also calculated (Table 14). For each item the number of categories selected for that item is shown for both the pre- and post-test. The sum of category agreements is shown under the column agree, while the column disagree shows the number of categories selected only for one of the two tests. The total number of agreements is the sum of these two numbers. The proportion agreement was 76 out of 93 total classifications (Po=.82). The chance agreement (Pe) was calculated by the sum of product (180) being divided by square the sum of total (93). As shown in Table 14, the kappa value (0.81) regarding the content similarity between pre- and post-test indicates an acceptable agreement as suggested by Landis & Koch (1977; values ≈0 as indicating no agreement; 0.01-0.20 as none to slight; 0.21-0.40 as fair; 0.41- 0.60 as moderate; 0.61-0.80 as substantial; and 0.81-1.00 as almost perfect agreement).

Table 14

The Kappa Value in Terms of Content Similarity between Pre-test and Post-test

items	Raters of pre-test	Raters of post-test	product	agree	Disagree	total
1	1	1	1	2	0	2
2	1	1	1	2	0	2
3	3	2	6	4	1	5
4	2	2	4	4	0	4
5	1	1	1	2	0	2
6	1	1	1	2	0	2
7	2	2	4	2	2	4
8	2	3	6	2	3	5
9	1	1	1	2	0	2
10	1	1	1	2	0	2
11	1	1	1	2	0	2
12	1	1	1	2	0	2
13	1	1	1	2	0	2

items	Raters of pre-test	Raters of post-test	product	agree	Disagree	total
14	1	1	1	2	0	2
15	1	1	1	2	0	2
16	1	1	1	2	0	2
17	3	1	3	2	2	4
18	2	3	6	4	1	5
19	2	3	6	4	1	5
20	1	2	2	2	1	3
21	1	1	1	2	0	2
22	9	9	81	14	4	18
23	7	7	49	12	2	14
			180	76		93
Po				0.82		
Pe			0.02			
kappa	0.81					

5.3.2.5 Graduate attributes within each test. To ensure that similar attributes are required to answer items in both tests, the experts were also asked to indicate the relationship of the items to the desired graduate attributes. The three key attributes were:

Attribute 1 = *Knowledge of the main concepts, principles, rules, systems and theories in the core areas of Chinese criminal law*

Attribute 2 = *A capacity to think critically, strategically and creatively including an ability to identify and articulate legal issues, apply reasoning and research, engage in critical analysis and make reasoned choices*

Attribute 3 = *Highly developed written communication skills*

As shown in Table 15, the three experts unanimously agreed that all items required students to have adequate knowledge of criminal law (i.e., Attribute 1). Two experts for pre-test items and three experts for post-test items believed that the multiple-choice questions (Item 1 to 10) required fewer attributes than the apply-to-all questions (Item 11 to 21) and case analysis questions (Item 22, 23). Those latter items also required critical thinking (i.e., Attribute 2).

The possible reason for this result might be that multiple-choice questions usually are easier than apply-to-all questions and case analysis questions. Also, a greater chance of guessing could exist in answering multiple-choice questions. Thus,

apply-to-all questions and case analysis questions could be better measurement than multiple-choice questions to test Attribute 2. Additionally, all experts held that written skills could be assessed through case analysis questions and other graduate attributes (a checklist of 20 graduate attributes provided to all experts in advance, see Appendix B) could not be tested through such paper-based tests. To sum up, as suggested by the experts, the graduate attributes to be tested in pre- and post-test are almost same.

Table 15

The Relationship of the Items of Pre- and Post-test to the Desired Graduate Attributes

	Pre-test			Post-test		
Items	Attribute 1	Attribute 2	Attribute 3	Attribute 1	Attribute 2	Attribute 3
1	3	1	0	3	0	0
2	3	1	0	3	0	0
3	3	1	0	3	0	0
4	3	1	0	3	0	0
5	3	1	0	3	0	0
6	3	1	0	3	0	0
7	3	1	0	3	0	0
8	3	1	0	3	0	0
9	3	1	0	3	0	0
10	3	1	0	3	0	0
11	3	3	0	3	3	0
12	3	3	0	3	3	0
13	3	3	0	3	3	0
14	3	3	0	3	3	0
15	3	3	0	3	3	0
16	3	3	0	3	3	0
17	3	3	0	3	3	0
18	3	3	0	3	3	0
19	3	3	0	3	3	0
20	3	3	0	3	3	0
21	3	3	0	3	3	0
22	3	3	3	3	3	3
23	3	3	3	3	3	3

Notes. The numerals under the columns of Attribute 1, 2, and 3 indicate the number of rater(s) who linked the attribute to the item.

5.3.2.6 Test difficulty. The experts were also asked to rate, using a modified Angoff approach, the difficulty of each item in terms of the proportion of barely passing students (or "minimally competent practitioner" abbreviated as MCP) who

would get the item correct (Cizek, 2001). The results regarding the expected difficulties of pre- and post-test are shown in Table 16. Based on the experts' estimation, the average expected difficulties of pre- and post-test were 0.57and 0.54 respectively. This shows the overall expected difficulties of pre- and post-test are very similar.

However, the correlation coefficients between expert's estimation indicate the discrepancy among experts. As can be seen from Table 16, the correlation coefficients between individual ratings and the overall estimation for post-test were all less than 0.70, which suggests a moderate positive relationship. Moreover, only the correlation between Expert 1 and Expert 3 in pre-test was greater than 0.70 (r= 0.94) which suggests a strong positive linear relationship. All the other correlation coefficients between expert's estimation within both tests ranged from 0.37 to 0.68, which indicates substantial lack of agreement between experts. Additionally, the Cohen's *d* values between Experts 1 and 2 as well as between Experts 1 and 3, either in pre-test or in post-test, were all greater than 0.8, especially in post-test the *d* value (-2.09 and -1.99) was much greater than 0.8, which indicate a large effect size. While the effect size between Expert 2 and 3 in both tests were all close to 0.2, which suggests a small effect size. These results indicate that Expert 1 had a quite different view about item difficulties from the other two experts.

Table 16

The Experts' Estimation to the Test Difficulty and the Correlations and Effect Size between Experts' Estimation

		Pre-test				Post-test			
		E1	E2	E3	Overall	E1	E2	E3	Overall
M		0.50	0.59	0.63	0.57	0.38	0.62	0.64	0.54
SD		0.10	0.11	0.16	0.11	0.12	0.11	0.14	0.10
Inter-correlation (r)	E1	--	0.58	0.94	0.86	--	0.45	0.51	0.58
	E2		--	0.68	0.65		--	0.37	0.47
	E3			--	0.90			--	0.52
Effect size	E1	--	0.86	0.97		--	2.09	1.99	
	E2		--	0.29			--	0.16	

		Pre-test				Post-test			
		E1	E2	E3	Overall	E1	E2	E3	Overall
(Cohen's	E3			--				--	

Note. E1= Expert 1; E2= Expert 2; E3= Expert 3.

5.3.3 Summary on Content and Difficulty Similarity of Pre- and Post-test

5.3.3.1 Content similarity. Firstly, the researcher tried to select paired items in the pool of exposed NJE papers to ensure the utmost similarity of both tests. Secondly, according to the ratings of the experts, 14 out of 23 items (about 60%) were assigned to the same content category(ies) in both tests. The other nine items still had some degree of content categorisation in common between pre- and post-tests. Thirdly, the kappa value (0.81) regarding the content similarity between pre- and post-test indicates an almost perfect agreement. Lastly, based on the experts' ratings, the graduate attributes to be tested in pre- and post-test are almost same. In this way, the content similarity of pre- and post-test was established.

5.3.3.2 Difficulty similarity. Although the overall expected difficulties of pre- and post-test are very similar, the correlation coefficients between individual ratings and the overall estimation for the post-test were quite low, which indicates the disagreement among experts with respect to the difficulty of the post-test. Additionally, the correlations and effect size between experts in terms of test difficulty were calculated to display the substantial differences between experts. In absolute terms, Expert 1 was quite deviant from the other two experts; in relative terms, Experts 1 and 3 ranked items in quite similar way. Hence, the similarity of tests in terms of expected difficulty was not established. This result is not surprising because of the small sample used in the standard setting process. Fortunately, evaluation of student actual performance can help determine which of the three experts was most accurate in estimating item difficulty.

Chapter 6: Design and Validation of the Teaching Intervention Program

6.1 Introduction

As indicated in the literature review, there is a need to examine effective teaching methods employed in the common law system (e.g., case method, problem-based method, and clinical method) in the context of Chinese legal system and legal education. The purpose for this examination is to determine whether such teaching methods are compatible with Chinese legal education and ultimately test their effectiveness. Also, given the mixed findings of current research on the effectiveness of lectures, there is a need to test the effectiveness of alternative approaches to the teaching of law within the Chinese context. Consequently, a 12-week teaching intervention program was designed to investigate the effectiveness of different teaching methods in legal education within the Chinese legal education system, and to explore whether using alternative teaching methods (i.e., case method and problem-based method) could generate better learning outcomes than using the traditional lecture method. The development and validation of the teaching program are discussed in this chapter.

6.2 Method

6.2.1 Participants

Three experienced criminal law teachers of law school at the Heilongjiang University in China were invited to participate in this study on a voluntary basis. All of them have taught criminal law for more than five years. Such ample teaching experiences allow them to be qualified judges of evaluating the content similarities of two types of lesson plans as well as indicating the teaching method(s) described in each type of lesson plan.

6.2.2 Procedures

To carry out the teaching intervention program, two types of lesson plans for Chinese criminal law were prepared beforehand. Three law teachers were invited to assess the content similarities between the two types of lesson plans by comparing plans developed for each week. These experts were also asked to indicate the teaching method(s) characterized in the lesson developed for each week within the set of lesson plans developed for the control group

and for the experimental group. In addition, they were to indicate the certainty and relevance about their chosen categories.

6.2.3 Instrument

Two rating forms were used for evaluating the lesson plans. One form (Appendix J) was used by the three experts to compare the content of each week's lesson across those developed for the control group and experimental group by choosing one of three categories (i.e., identical, similar, or divergent) for each pair of lesson plans (e.g., control group -Lesson Plan 1 versus experimental group- Lesson Plan 1, etc.).

Inspection of the second form (Appendix K), experts were asked to (1) identify the teaching method manifested in each lesson plan by placing a tick in one of the three teaching methods (i.e., lecture method, case method, and problem method), (2) denote the certainty about their choice by placing a tick in one of the three categories (i.e., not very sure, pretty sure, and very sure), and (3) indicate the relevance of each lesson plan to their chosen category by placing a tick in one of the three options (i.e., highly relevant, somewhat relevant, and low relevance or no relevance).

6.2.4 Analysis

In terms of lesson plan content comparison, the data collected was subjected to frequency analysis to indicate the similarity between two types of lesson plans. With regard to lesson plan content validation, frequency analysis was conducted to the experts' rating to indicate the teaching method featured in each lesson plan as well as the certainty about and relevance to the chosen category. To accept the agreement among experts, the minimum standard score would be two-thirds match on teaching methods, and with average certainty and relevance of two or more experts.

6.3 Results

6.3.1 Design of the Teaching Intervention Program

Two types of lesson plans for Chinese criminal law were prepared for the teaching intervention. One set of lesson plans was designed as traditional lecture method (from Week 1 to Week 12; Appendix G) and was used with the control group. The other set of lesson plans was designed utilizing case method (from Week 1 to Week 8; Appendix H) and

problem-based method (from Week 9 to Week 12; Appendix I) for use with the experimental group.

Each lesson plan contained two related topics to assist students in understanding the similarities and differences between the two topics. Hence, 24 topics were developed for the 12-week teaching intervention. These topics were consistent with the 24 content categories assessed in the pre- and post-test (see Figure 9 in Chapter 5). The lesson plans employed in the control and experimental groups shared the same teaching content which was selected from an authoritative textbook (i.e., Criminal Law,7th edition, 2016, Peking University Press) to ensure equivalence between lesson plans. The two types of lesson plans were congruent in aspects of learning aims, learning materials, and suggested resources (details see Appendices G, H, and I). The primary differences between two types of lesson plans lay in the teaching method and teaching procedures.

6.3.1.1 Lecture method. With respect to the lesson plans developed for the control group, these were designed as almost all law teachers would do using traditional lectures. The class was teacher-centred, and the law teacher lectured for most of the class time (40 out of 60 minutes per class; see Appendix G: teaching procedures) on theoretical issues in criminal law. During the 40 minutes, law students had no opportunity to interrupt the lecture and were focused on taking notes. Hence, like conventional law school teaching, the law students had little opportunity to interact with the teacher or participate in class discussions. In the remaining 20 minutes of each class, students were asked to write out answers to the questions on a handout in 10 minutes, and then the teacher used the last ten minutes to randomly ask 1-2 students to analyze the cases in the handout and then explain to the class the correct answers to the questions in the handout. To sum up, according to this type of lesson plan, the law teacher occupied most of the class time and there was very little interaction between the law students and the teacher.

6.3.1.2 The reason for designing a combination of case method and problem method within the experimental group lesson plans. Firstly, each teaching method has its merits and demerits. Law teachers could supplement one method with another to make use of the best of the methods. For instance, although the case method has been proven to be an effective and successful method in training legal analysis skill (Sullivan et al., 2007), deploying the case method in isolation at law schools imposes a heavy workload (i.e., pre-class preparation) on law students and this may result in a series of problems for law students,

including affecting their psychological well-being (Sheldon & Krieger, 2007; Benjamin et al., 1986). Therefore, the researcher proposed that deploying the combination of multiple teaching methods could be an effective way to teach law and make the best use of each teaching method. Secondly, the combination of case method and problem method might foster more attributes training than using one teaching method. For example, the problem method has strengths in cultivation of team spirit which is one of the important attributes needed for legal practice. But team work is rarely seen in the classes deploying the case method. Thirdly, from the perspective of law students, it could be boring that all classes utilize only one teaching method for three months. Lastly, the combination design was enlightened by results of the survey study (see Chapter 4). The findings of the survey study indicated that both law teachers and law students hoped to decrease the use of lecture method and correspondently increase the use of alternative teaching methods wherein both case method and problem method were welcomed by law teachers and students.

6.3.1.3 Case method. With respect to the lessons plans within the experimental group, the lesson plans which integrated the case method were designed according to Patterson's (1951) three essential components to case method: (1) the casebook, (2) the participation of students in the class discussion through Socratic dialogue with law teachers, and (3) the problem type of examination. A casebook contains excerpts from legal cases and law students are required to analyze the language of the cases to determine what rules were applied and how the court applied it. The casebook method is most often used in law schools in common law systems, where case law is a major source of law.

However, because China uses statutes, not case law, as the major source of law (details of statute and its function, see Chapter 2), casebooks have not been developed for use in Chinese legal education. Consequently, the researcher had to prepare learning materials which had a similar structure as a casebook, including lecture materials and handouts for the experimental group. Lecture materials provided theoretical constructs including the rules and principles behind the criminal law, while handouts involved several cases selected from NJE test papers or case collection books. Both lecture materials and handouts were closely connected with the two topics of each lesson. The students of the experimental group received all these materials before class and had to understand the theories embedded in the lecture materials and try to use these theories to analyze the cases in handouts before class. In other words, the students in the experimental group were required to review legal constructs and apply those to cases prior to coming to class to prepare to discuss the target cases in

class. This pre-class preparation is one of the primary differences between case method and lecture method.

As indicated previously, class discussion is a primary feature of the case method and is where a Socratic dialogue is likely to occur (Patterson, 1951). The Socratic dialogue is the most important component of case method. Thus, the lesson plans in relation to case method were designed to include primarily class discussion and Socratic dialogue (55 out of 60 minutes each lesson, see Appendix H). As shown in Appendix H, the law teacher randomly asked individual students to analyze the cases in Handouts and encouraged students to brainstorm distinctive opinions on the cases. The law teacher then employed Socratic dialogue to ask students questions about their analysis of the cases and lead them to find a way to correctly resolve the cases on their own and gradually acquaint them with case analysis methods. Finally, the law teacher used the last five minutes to answer any questions which students had. During the whole process, the law teacher played the role of facilitator or instructor who assisted students to analyse and resolve the cases on their own. To sum up, classes using the case method were student-centred with students' participation in class discussion and Socratic dialogue with the teacher comprising the main content of teaching. The idea behind the case method lies in that skills can only be gained and improved from constant dialogue and training. Thus, law teachers should make good use of class time for skills training, for example, skills of critical thinking, thinking like a lawyer, and other high order intellectual skills. Class discussion and Socratic dialogue are the most important differences between case method and lecture method.

6.3.1.4 Problem-based method. With reference to problem-based method, lesson plans were designed according to the PBL process as depicted in Figure 4 (see Chapter 2). Problem-based learning emphasizes students' self-directed learning. Hence, problem-based method is more challenging than case method. Because the researcher believed that law students would become more confident and capable to deal with a problem-based case after eight weeks' training of case method, the problem-based method was arranged from Week 9 to Week 12.

In the process of problem-based learning, students are confronted with a problem situation within class before any preparation or study has occurred (Cruickshank, 1996). This is one of the differences between case method and problem-based method in that the case method requires students to prepare the lesson before class; by contrast, problem-based

method requires no preparation before class. Thus, for Weeks 9 through 12, students in the experimental group did not get any lecture materials other than a problem-based case handout in class. After receiving the handout, the students were divided into several groups to conduct the first round of group meetings (around 15 minutes, see Appendix I) aiming to identify the controversial issues to be resolved in relation to the case in the handout. During the following 40 minutes, all students left the classroom and independently searched for relevant information and made use of all available sources (e.g., library, internet, textbooks, notes, or other relevant learning materials) to resolve the case independently. When students brought back to the group the newly obtained knowledge as well as possible solutions to the case, a second round of group meetings (around 20 minutes) was undertaken. Students shared with other group members their own opinions on the case and critically evaluated others' point of views. Then each group elected a representative to debate with other groups that held different views about the case. The debate took around 30 minutes and then the teacher summarized the discussion of the case and answered students' questions in relation to the crimes as the problem. To sum up, during the whole process of problem-based method, the students' learning was self-directed, and the teacher played the role of an organizer who ensured that the process occurred in accordance with the teaching procedures. Thus, the classes which involved lessons designed around problem-based method was student-centred and students' participation dominated the whole class. This method was intended to enhance students' skills at self-study and team work.

In sum, the design of the teaching lessons was based upon three different teaching methods (i.e., lecture method, case method and problem-based method). The logic and principles behind each teaching method were also different (details see Table 17). Representative details regarding the lesson plans are included in Appendices. In the next section, empirical validation of the teaching program will be reported.

Table 17

Summary of Differences in Three Teaching Methods

Teaching methods	Predominance	Interaction	Pre-class preparation	Attributes trained	Orientation
Lecture	lecture	rare	voluntary	knowledge memorization	teacher-centered

Teaching methods	Predominance	Interaction	Pre-class preparation	Attributes trained	Orientation
Case method	Socratic dialogue	sufficient	necessary	skills of analyzing and resolving cases	student-centered
Problem method	group discussion	sufficient	no	self-study problem-solving skills and team work	student-centered

6.3.2 Validation of the Teaching Intervention Program

For the purpose of minimizing the impact of the researcher's bias for or against either group and the researcher's misunderstanding of different teaching methods in legal education when developing the two types of lesson plans, a validity study was designed aiming to investigate whether (1) the content of two types of lesson plan were equivalent; (2) the teaching and lesson plans differed to each other (e.g., teaching methods and teaching procedures); and (3) the teaching and lesson plans clearly belonged to the category which was used to design them.

A fidelity check was conducted to determine that each lesson plan adhered to the principles which underpin the three instructional approaches employed to develop the respective lesson plans. The researcher invited three criminal law teachers to complete a lesson plan content validation survey (Gable & Wolf, 1993) to rate each lesson plan against the identified criteria. A first question to be established was whether the teaching content of the two types of lesson plan were sufficiently similar to support the claim participants within both treatment groups would be receiving similar content. All three experts agreed that lesson content was not just similar, but identical.

To ensure that there was no cross-over in the lesson plans between the type of intended and actual teaching plans, the three experts evaluated the teaching method in each lesson. The results show that the three experts agreed 100% that all 12 lesson plans of the control group were traditional lecture method, that they were very sure, and that their rating was highly relevant. Similarly, the 12 lesson plans of the experimental group were classified 100% as case method (lesson plan 1~8) and problem method (lesson plan 9~12), with very sure ratings.

Thus, insofar as the judgment of these three Chinese law teachers was concerned, the lesson plans were similar in content and clearly had different teaching methods. Hence, it is argued that the two sets of lesson plans provide a robust basis for evaluation whether alternative teaching methods (i.e., case method and problem method) are superior to lecture method. Large-scale student fidelity check was not undertaken, but instead in the 20 interviews after the teaching intervention, all student participants were asked about the teaching method(s) they experienced in the quasi-experimental study. The results showed that the teaching method experienced by all 20 interviewees was aligned with the intended method (i.e., using lecture method in the control group, while deploying case and problem methods within the experimental group). Results of the interviews are reported in Chapter 7.

Chapter 7: Teaching Intervention Study

7.1 Introduction

To test the validity of the presupposition that adopting a combination of alternative teaching methods (i.e., case method and problem method) would enhance law students' attributes for their future legal work when compared with traditional lecture method, a 12-week quasi-experimental teaching intervention was conducted at the law school of a university in China. A sample of 110 volunteer law students were recruited and randomly assigned to control or experimental groups. Pre- and post-intervention measures were used to determine possible effects of the intervention on students. At the end of the intervention, interviews with a sample of participants were undertaken in both groups to investigate their perceptions of the intervention, especially the teaching method(s) employed.

7.2 Method

7.2.1 Participants

A total of 110 law school students volunteered to participate in this study, as shown in Table 18. Six students in the control group and five students in the experimental group voluntarily withdrew from the teaching intervention. Also, not all students attended all the sessions; eight students in the control group and nine students in the experimental group were absent from class four or more times. According to the Chinese university convention, students who are absent for more than one third of a course lose the right to sit the final exam of that course. Hence, these 17 students were removed from data analysis. Additionally, four students in the control group and six students in the experimental group did not sit the post-test for various reasons. Thus, after removal of these incomplete or invalid cases there remained 37 participants in the control group and 35 participants in the experimental group, giving an effective retention rate of 65%. This gives a power level equal to .92 to detect a large effect size of .80 between the two group means. In addition, the sample size generates power equal to .81 to detect a between and within interaction in a repeated measures analysis for a moderate effect size of .34. Hence, the obtained sample sizes were smaller than ideal for detecting small differences in performance attributed to intervention.

Table 18

Data Cleaning of Test Scores

		Control group	Experimental group
Number of Participants		55	55
Withdraw from This Study		6	5
Truancy (four weeks or more)		8	9
Absent from Tests	Pre-test	0	0
	Post-test	4	6
Valid Data (number of participants left)		37	35

The demographic characteristics of the final sample are shown in Table 19. All participants of the final sample came from the same law school at Heilongjiang University in China. Female participants were around 10% more than male participants and the sample consisted predominantly of sophomore (second-year) law students (93%). By comparing the distribution of the final sample with those who left this study for various reasons (see Table 18), the results indicated that there were no statistically significant differences in distributions for sex ($\chi^2_{(1)} = 1.80$, Cramer's V = .13, $p = .18$) and group (i.e., control vs. experimental; $\chi^2_{(1)} = .161$, Cramer's V = .04, $p = .69$). However, there were statistically significant differences in distributions for academic year ($\chi^2_{(1)} = 49.56$, Cramer's V = .67, $p < .001$). The Cramer's V value (.67) was higher than 0.5, which suggests a large effect size. Hence, the results of this study mainly reflect the experiences and test scores of sophomore law students.

Table 19

Demographic Characteristics of the Final Sample (72 participants)

Characteristics	N	% of sample
Sex		
Female	40	55.56
Male	32	44.44
Group		
Control	37	51.39
Experimental	35	48.61
Academic Year		
Sophomore	67	93.06

Characteristics	N	% of sample
Junior	5	6.94
Academic Program		
Law	72	100
Ethnicity		
Chinese	72	100

As shown in Table 19, only 5 of 32 junior students stayed in the study (the possible explanation is that the junior students were busy in preparing for the Graduate Entrance Examination or the National Judicial Examination, and hence they had no ample time in participating in this study which would last for three months). This means that the analysis of intervention effects has to be largely dependent on second-year students. Additionally, the effect size of the difference between the final sample (72 students) and the balance (38 students) of participants was trivial (d = .03). This means that the pre-test scores of the students who were retained and those who left the study were similar at the start. Hence, the withdrawal of 38 students from this intervention would not affect the validity of data analysis of the final sample.

Also, 20 law students (five high-achieving and five low-achieving students in each group) were recruited to voluntarily participate in the interview at the end of the intervention. All participants were informed through the Participant Information Sheet (PIS) of confidentiality, anonymity, and the right to withdraw.

7.2.2 Procedures

7.2.2.1 Teaching intervention with different teaching methods. The classes for the control group were arranged on every Wednesday evening for two hours (from 18:00 to 20:00), in a big classroom at Heilongjiang University, and they used traditional lecture method (from Week 1 to Week 12). The classes for the experimental group were held every Thursday evening, with the same duration as the other group, and in the same classroom, but employing case method (from Week 1 to Week 8) and problem-based method (from Week 9 to Week 12).

7.2.2.2 Administration of the tests. To ensure the students' best performance, the pre-test and the post-test were both administered in a large quiet classroom on campus. The researcher explained that the goal of the test was to assess the learning outcomes of the

experiment and the scores of the tests were not associated with their GPA. Thus, the students were not under excessive pressure. In accordance with ethics committee regulations, participation was voluntary and informed.

7.2.2.3 Scoring and score reliability. The model answers and rubrics of the pre- and post-tests were downloaded from the website of the National Judicial Examination Centre. The researcher re-examined these answers and rubrics to ensure their accuracy before marking. To minimize possible marker bias, either against or in favour of certain students, blind marking was used (i.e., names of test-takers hidden).

Given the relatively short test and small number of participants, a classical test theory 'sum of items correct' approach was taken to determine total score. Aligning with Chinese convention as well as the standard set by the NJE, 60 out of 100 was the cut-off score for a pass.

Inter-rater comparison was conducted, after a random sample of 12 papers were marked, to ensure the reliability of scoring. As can be seen from Table 20, marker inter-correlations in both pre- and post-test exceeded .70, which indicates the markings can be deemed trustworthy (Stemler, 2004). Also, the *d* values of both tests were less than 0.20, which suggests that the effect size of difference between markings was trivial (Hattie, 2009).

Table 20

Inter-rater Comparison of a Sample of 12 Papers in Pre-test and Post-test

	Pre-test			Post-test		
Sample paper	Score 1	Score 2	Score difference	Score 1	Score 2	Score difference
Paper 1	48	47	1.00	54	60	6.00
Paper 2	36	40	4.00	42	45	3.00
Paper 3	42	49	7.00	23	23	0.00
Paper 4	44	46	2.00	23	29	6.00
Paper 5	53	53	0.00	42	36	6.00
Paper 6	23	21	2.00	35	41	6.00
Paper 7	46	41	5.00	43	38	5.00
Paper 8	25	33	8.00	29	32	3.00
Paper 9	42	36	6.00	52	54	2.00

	Pre-test			Post-test		
Sample paper	Score 1	Score 2	Score difference	Score 1	Score 2	Score difference
Paper 10	42	37	5.00	53	57	4.00
Paper 11	32	29	3.00	47	49	2.00
Paper 12	36	34	2.00	56	62	6.00
M	39.08	38.83		41.58	43.83	
SD	9.03	9.10		11.77	12.77	
Correlation (*r*)		0.87			0.95	
Cohen's *d*		0.03			-0.18	
SEM		3.28			2.83	
Absolute consensus	identical		8%			8%
Approximate	+/-1		8%			0%
Approximate	+/-1SEM		50%			25%

7.2.2.4 Interviews with students from both groups. The interviews aimed to investigate what changes the students experienced before and after the teaching intervention. The interviews were carried out after the quasi-experimental teaching had finished. The interviewees were five high-achieving students and five low-achieving students from each group, who voluntarily agreed to participate in the interview. The whole process of the interviews was audio-recorded after obtaining the permission of the interviewees.

7.2.3 Measures

The pre- and post-tests were used as measures for evaluating the achievement of the learning outcomes due to the two teaching interventions. Details regarding these tests are outlined in Chapter 5.

An interview schedule (Appendix L) was also designed to investigate the perception of the participants with respect to the teaching intervention. At the interviews, participants were asked to (1) indicate the teaching method(s) they experienced, (2) evaluate the teaching method(s) deployed in their group, and (3) offer suggestions on teaching methods used in legal education.

7.2.4 Analysis

The data collected from both tests was subjected to confirmatory factor analysis (CFA) to check the model fit indices of either the unidimensional model or the bi-factor model for the two groups. Effect size of difference between groups by conditions was calculated using Cohen's *d* value. Multivariate analysis of variance (MANOVA) was employed to test the significance of difference between control and experimental group in terms of three pre- and post-test scores (i.e., TS= total scores; GP= general provision scores; and SP= special provision scores). Considering the possible impact of pre-test scores on the post-test scores, multivariate analysis of covariance (MANCOVA) was also conducted using the pre-test score as a covariate to control the post-test score.

The data collected from the interviews was subjected to thematic analysis (Thomas, 2006) and frequency analysis to investigate what teaching methods the students experienced in this teaching intervention and whether the teaching methods applied in this quasi-experimental teaching were acceptable and effective according to the interviewees' perceptions. The effect size of the difference between high-achieving and low-achieving students was calculated using the Wilson calculator (Lipsey & Wilson, 2001). To avoid certain concept bias or errors on the part of the researcher when coding the raw data, the researcher gave two independent judges a code book (Appendices M and N) and a sample of the data to identify whether an agreement could be reached in terms of coding. Kappa statistics were used for computing the consensus estimates (Stemler, 2004).

7.3 Results

7.3.1 CFA of the Tests

A confirmatory factor analysis (CFA) was conducted to test whether the items of the tests were unidimensional. The one-factor unidimensional model of the pre-test is depicted in Figure 10. Item 18 was removed from analysis because it was too difficult (no students got it right); without variance in the data, the item could not be analysed in CFA.

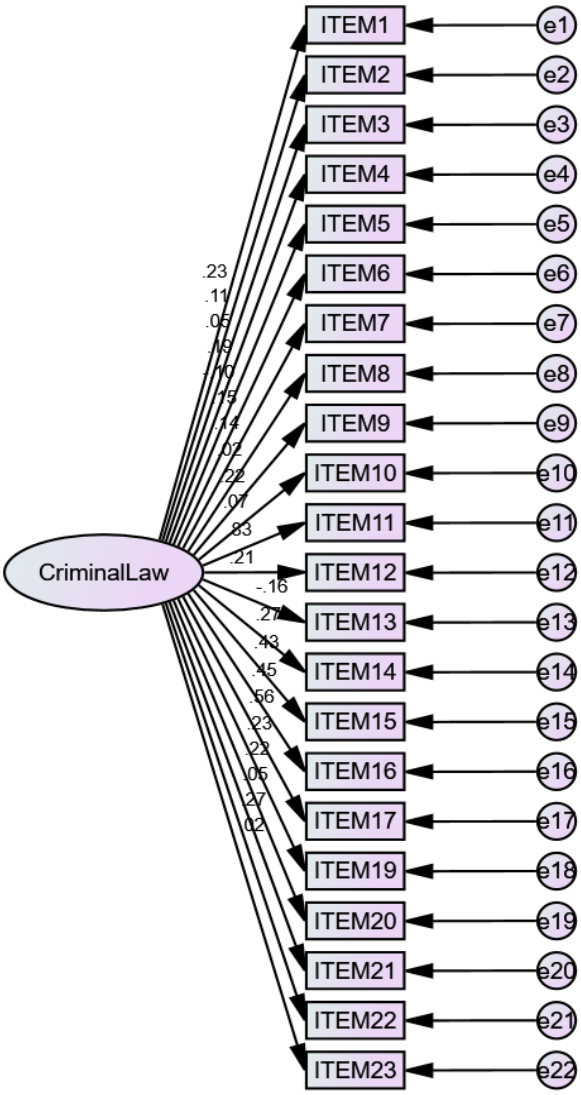

Figure 10. Unidimensional model of the pre-test (Model 1 with item 18 removed).

As shown in Table 21, only two loadings were greater than 0.5 and other loadings ranged from 0.02 to 0.45 in Model 1. Also, two loadings were negative. This showed a poor loading condition for this model. As can be seen from Table 22, the χ^2/df ratio, RMSEA, and the gamma hat of Model 1 were good enough as a sign of model fit, whereas the SRMR and CFI value of the model indicate an unacceptable model fit.

Table 21

Item Loadings by Model Type before and after Trimming (Pre-test)

	Single factor		Model 3 Bifactor Original			Model 4 Bifactor Trimmed		
	Model 1 original	Model 2 trimmed	general	specific general	specific special	general	specific general	specific special
Item	λ	λ	λ	λ	λ	λ	λ	λ
1	0.23	0.23	0.31	-0.27		0.10	0.22	
2	0.11	0.11	0.13	-0.08		0.11		
3	0.05	0.05	0.01		-0.11	0.15		
4	0.19	0.20	0.17		0.01	0.22		
5	-0.10		0.03	-0.36				
6	0.15	0.15	0.18	-0.17		0.01	0.20	
7	0.14	0.13	0.08		0.11	0.19		0.08
8	0.02	0.02	0.05		-0.17			
9	0.22	0.22	0.17		0.32	0.09		0.34
10	0.07	0.07	0.10		0.08			0.10
11	0.83	0.83	0.95	0.42		0.61	0.57	
12	0.21	0.20	0.17	-0.16		0.32		
13	-0.16		-0.21	0.18				
14	0.27	0.27	0.18		0.12	0.26		0.10
15	0.43	0.43	0.38	0.07		0.22	0.43	
16	0.45	0.44	0.49		-0.06			
17	0.56	0.57	0.48		0.21	0.77		0.13
19	0.23	0.23	0.18		-0.05	0.26		
20	0.22	0.22	0.12	0.19		0.26	0.05	
21	0.05	0.06	0.04		0.10	0.03		0.10
22	0.27	0.26	0.17		0.99	0.21		0.98
23	0.02	0.01	-0.07		0.33	0.06		0.30

Items 5 and 13, both with negative estimates, were then removed to see the changes of loadings and model fit indices. Table 22 showed that the model fit indices of Model 2 only improved a little (e.g., CFI) compared with Model 1, but still indicated an unacceptable model fit. The χ^2/df ratio, RMSEA, and the gamma hat of Model 2 were good enough as a sign of model fit, whereas the SRMR and CFI value of the model indicate an unacceptable model fit.

Table 22

The Comparison of the Model Fit Indices of Four Models of Pre-test

Model	k	χ^2	*df*	$\chi 2/df$ (*p*)	SRMR	RMSEA (90% CI) (PCLOSE)	CFI	gamma hat	AIC
1. One-factor removing item 18	22	228.35	209	1.09 (.30)	.096	.036 (.000~.064) (.768)	.71	.98	316.35
2. One-factor removing items 5, 13, and 18	20	187.71	170	1.10 (.29)	.097	.038 (.000~.068) (.711)	.73	.98	267.71
3. Bi-factor removing item 18	22	195.85	188	1.04 (.31)	.089	.024 (.000~.058) (.873)	.88	.99	325.85
4.** Bi-factor removing items 5, 8, 13, 16, and 18	18	126.72	124	1.02 (.31)	.088	.018 (.000~.062) (.855)	.95	1.00	220.72

Note. k= number of items; SRMR= standardized root mean residual; RMSEA= root mean square error of approximation; CFI= comparative fit index; AIC= Akaike information criterion; **= preferred model.

A bi-factor model (Figure 11) was then designed to see whether the model fit indices would be superior to those of the unidimensional models. Due to the same reason for Model 1, Item 18 was removed. A Heywood case (Heywood, 1931) occurred to item 22 (Estimate = -65.01; SE =157.86) and hence the error value of the item was fixed to .005 (Lawley & Maxwell, 1971). The loading condition of Model 3 was presented in Table 21. Only one loading to the general factor (i.e., CriminalLaw) was greater than 0.5, and other loadings ranged from 0.01 to 0.49. Also, two loadings to the general factor and nine loadings to the sub-factors were negative. In general, the loading condition of the bi-factor model was no better than that of the unidimensional models.

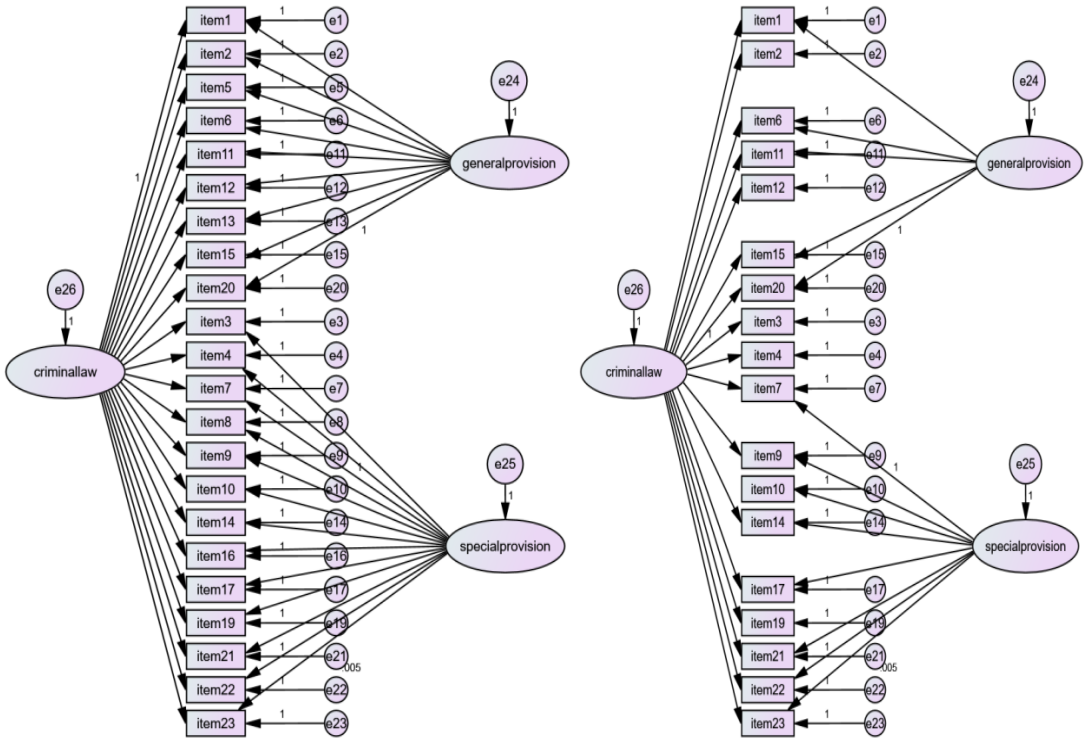

Figure 11. Pre-test bi-factor model.

Note. Left Panel = Model 3 after removing item 18; Right Panel = Model 4 with items 5, 8, 13, 16, and 18 removed and after removing items or paths with negative estimates.

As presented in Table 22, the χ^2/df ratio, RMSEA, and the gamma hat of Model 3 indicate a good model fit, but the SRMR (> .08) and the CFI are not good enough (< 0.90). Overall, the model fit indices of the bi-factor model were better than those of the one-factor unidimensional models, but still not good enough.

To improve the loading condition and model fit indices of the bi-factor model of the pre-test, items or paths with negative estimates were removed (Model 4 in Figure 11). With 5 items removed (items 5, 8, 13, 16, and 18), the total score of the pre-test became 92. A Heywood case occurred to item 22 (Estimate = -32.22; SE =107.48) and hence the error value of the item was fixed to .005. As shown in Table 22, for Model 4, all loadings were positive and two loadings to the general factor were greater than 0.5. This shows a better loading condition than for Models 1 and 3, and a similar loading condition to Model 2. Even items with very small loadings (e.g., item 6 with loading equal to .01) were kept to retain as many items as possible so as to avoid losing too much meaning with items removed. Table 22 shows that the χ^2/df ratio, RMSEA, CFI and the gamma hat of Model 4 indicate a good model

fit, and only the SRMR is poor (> .08). Noteworthy is the increase in fit seen in the large advantage in AIC value in Model 4 (220.72). Overall, the model fit indices of Model 4 have an advantage over those of the three models mentioned previously (Table 22).

Similarly, CFA was also conducted to test the unidimensionality of the post-test. The one-factor unidimensional model of post-test is depicted in Figure 12. Item 14 was removed from analysis because it was too difficult (no students got it right); without variance in the data, the item could not be analysed in CFA. A Heywood case occurred with item 12 (Estimate = -1.95; SE =3.89) and hence the error value of the item was fixed to .005.

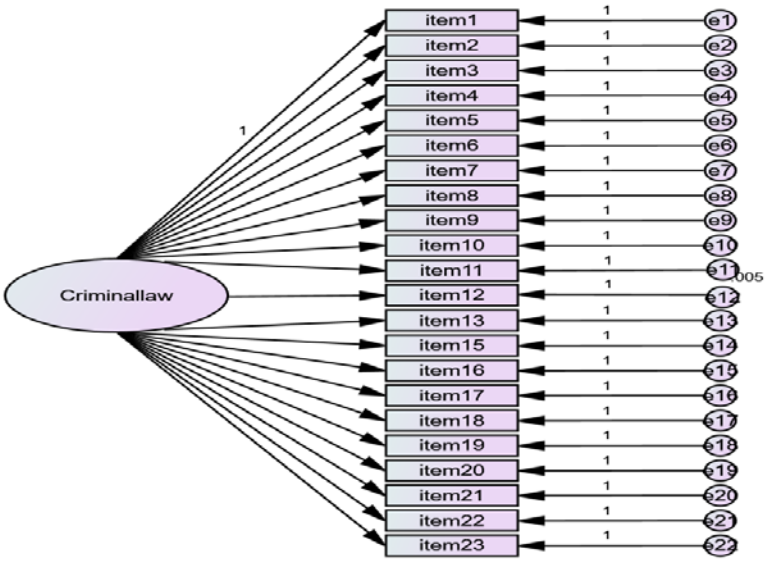

Figure 12. Unidimensional model of post-test (Model 5 with item 14 removed).

As can be seen from Table 23, only one loading was greater than 0.5, and eight loadings were negative in Model 5, which indicates a poor loading condition. As shown in Table 24, the χ^2/df ratio, RMSEA, and the gamma hat of Model 5 indicate a good model fit, but the SRMR (> .08) and the CFI are poor (< .90).

Table 23

Item Loadings by Model Type before and after Trimming (Post-test)

	Single factor		Model 7 Bifactor Original			Model 8 Bifactor Trimmed		
	Model 5 original	Model 6 trimmed	general	specific general	specific special	general	specific general	specific special
Item	λ	λ	λ	λ	λ	λ	λ	λ
1	.16	.48	.10	.13		.46	.18	
2	-.11	.03	.09	-.17		.03	.03	
3	.15	.43	-.04		-.12	.37		.05
4	.02		.13		.08			.06
5	.28	.50	.02	.30		.64		
6	.34	.11	-.03	.39		.08	.12	
7	.02		-.24		.14			
8	-.19		-.20		.22			.26
9	.09	.22	.24		-.16	.15		
10	.04	.02	-.04		-.09	.13		.03
11	-.04	.11	-.14	.03		.32		
12	.99	.34	.46	.88		.06		
13	.06	.21	.05	.04			.995	
15	-.07		.01	-.08				
16	-.02		.10		.15	.23		.23
17	.19	.30	-.01		-.11	.12		.08
18	.24	.24	.41		-.34			
19	.03	.13	.20		.37	.03		.91
20	-.21		-.09	-.18			.06	
21	-.28		-.57		.28			
22	-.03	.41	-.08		.30	.48		.11
23	.20	.12	.51		.86	.09		.46

Eight items (items 4, 7, 8, 14, 15, 18, 20, and 21) were then eliminated to improve the loading condition and model fit indices. As detailed in Table 23, the overall loading values for Model 6 increased moderately compared with Model 5, but still no loading was greater than 0.5. Table 24 indicates that the model fit indices of Model 6 were no better than Model 5 in that the SRMR (> .08) and the CFI are still poor (< .90) .

Table 24

The Comparison of the Model Fit Indices of Four Models of Post-test

Model	k	χ^2	*df*	$\chi 2/df$ (*p*)	SRMR	RMSEA (90% CI) (PCLOSE)	CFI	gamma hat	AIC
5. One-factor removing item 14	22	227.49	210	1.08 (.30)	.104	.034 (.000~.062) (.794)	.53	0.98	313.49
6. One-factor removing items 4, 7, 8, 14, 15, 18, 20, and 21	15	112.46	90	1.25 (.26)	.102	.060 (.000~.092) (.320)	.43	0.96	172.64
7. Bi-factor removing item 14	22	187.21	189	.99 (.32)	.093	.000 (.000~.050) (.947)	1.0	1.00	315.21
8.** Bi-factor removing items 7, 14, 15, 18, and 21	18	128.84	126	1.02 (.31)	.093	.018 (.000~.061) (.856)	.91	1.00	218.84

Note. k= number of items; SRMR= standardized root mean residual; RMSEA= root mean square error of approximation; CFI= comparative fit index; AIC= Akaike information criterion; **= preferred model.

Again, a bi-factor model (Figure 13) was designed to see whether the model fit indices could be superior to those of the unidimensional models. As depicted in Figure 13, apart from item 14, no more items were removed. A Heywood case occurred with item 12 (Estimate = -0.17; SE = 0.41) and item 23 (Estimate = -232.85; SE = 842.91), and hence the error value of the two items was fixed to .005. The loading condition of Model 7 is shown in Table 23. Only one loading to the general factor was greater than 0.5, and other loadings to the general factor ranged from 0.01 to 0.46. Ten loadings to the general factor and eight loadings to the sub-factors were negative. Hence, the loading condition of the bi-factor model (Model 7) was no better than Models 5 and 6. As shown in Table 24, the χ^2/df ratio, RMSEA, CFI, and the gamma hat of Model 7 indicate a good model fit, but the SRMR (> .08) is not good enough.

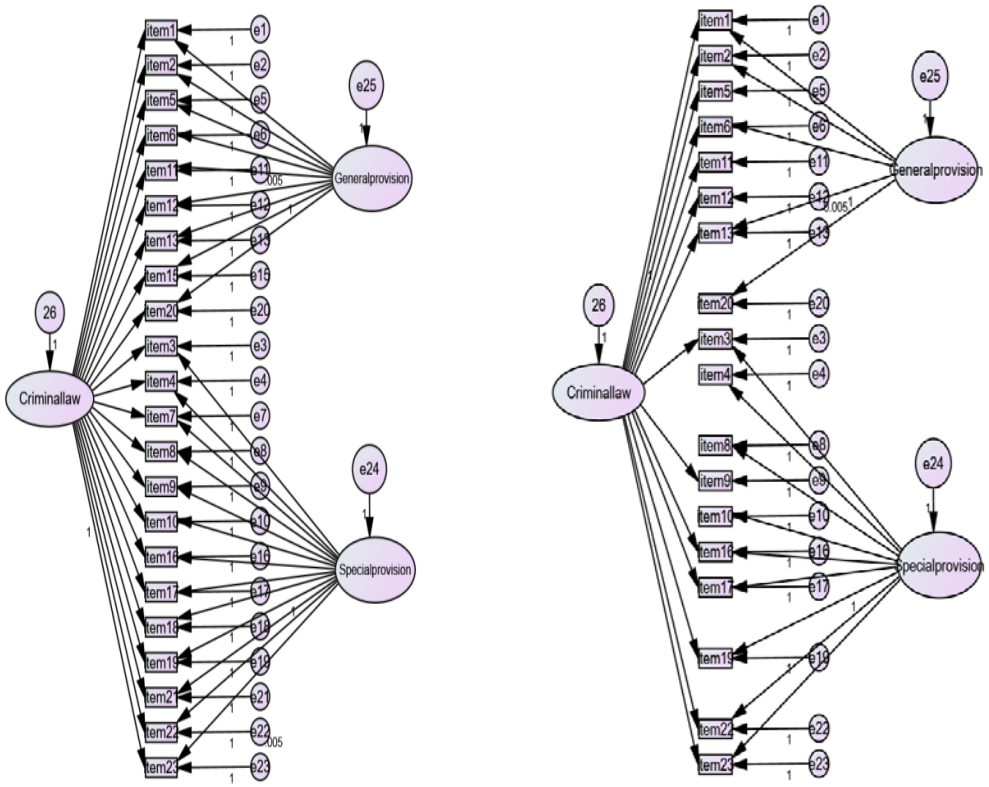

Figure 13. Post-test bi-factor model.

Note. Left Panel = Model 7 after removing item 14; Right Panel = Model 8 with items 7, 14, 15, 18, and 21 removed and after removing items or paths with negative estimates.

To improve the loading condition and model fit indices of Model 7, items or paths with negative estimates were removed (Model 8 in Figure 13). With 5 items removed (items 7, 14, 15, 18, and 21), the total score of the post-test became 91. A Heywood case occurred with item 13 (Estimate = -63.16; SE =152.67) and hence the error value of the item was fixed to .005. As shown in Table 23, all loadings were positive and one loading to the general factor was greater than 0.5. This shows that the loading condition of Model 8 was better than that of Models 5, 6 or 7. As shown in Table 24, the χ^2/df ratio, RMSEA, CFI and the gamma hat of Model 8 indicate a good model fit, and only the SRMR is not good enough (> .08). Overall, Model 8 was superior to Models 5, 6, and 7 given the loading condition and model fit indices and thus was adopted as the best model to use.

To sum up, the bi-factor model for both the pre-test and post-test was superior to the

unidimensional models after taking loading condition and model fit indices into consideration. Thus, the items which remained in the bi-factor models (i.e., Model 4 of the pre-test and Model 8 of the post-test) were used in calculating the test scores.

7.3.2 Descriptive Statistics of Test Scores

Based upon the results of test item analyses, items 5, 8, 13, 16, and 18 in the pre-test and items 7, 14, 15, 18, and 21 in the post-test were removed when calculating the total scores and two sub-scores (i.e., sub-scores of general provision and sub-scores of special provision). Using classical test theory (CTT), the descriptive statistics of the pre- and post-test scores are presented in Table 25. In accordance with Chinese conventions and the Chinese Judicial Examination, 60% was set as the 'pass' score. Considering that the glb (greatest lower bound) index provides a more accurate estimate of reliability than Cronbach's alpha (Sijtsma, 2009), the reliability of the tests was computed by running TiaPlus software (Heuvelmans, 2010). The glb value was 0.71 for the pre-test and 0.72 for the post-test, which indicates a sufficient reliability for research purposes.

Table 25

Descriptive Statistics of Pre- and Post-test Scores

Test and Scores	*N*	k (# of items)	Mean	Std. deviation	Std. error of measurement	Number Passing (≥60%)
Pre-test						
Total	72	17	43.47	10.21	5.50	3
General Provisions	72	5	3.50	2.08	1.12	0
Special Provisions	72	8	40.67	10.07	5.42	3
Post-test						
Total	72	14	42.31	11.83	6.26	4
General Provisions	72	5	3.01	1.85	0.98	0
Special Provisions	72	9	39.66	11.48	6.07	4

7.3.3 Effect Size of Difference between Groups

Based upon the bi-factor analyses of both tests, three scores for each student were calculated (i.e., total score, sub-score of general provision, and sub-score of special provision). The following analyses were conducted using these three scores. As shown in Table 26, the mean scores of the two randomly assigned conditions involving all 110 participants were similar (Cohen's *d* value = 0.07). This indicates the two groups were equivalent from the beginning.

Table 26

Effect Size of Difference between Groups in Pre-test with 110 Participants

	Control group	Experimental group
N	55	55
Mean	42.90	43.72
Standard Deviation	12.49	11.39
Effect Size	Cohen's *d* = 0.07	

When analysis was restricted to the 72 participants who completed the full experiment, however, the two groups were not equivalent in terms of all three pre-test scores (*d* = -.29; *d* = -.19; *d* = -.23 respectively), with a moderate advantage to the control group (Table 27). Nonetheless, with respect to all three post-test scores, the experimental group performed better than the control group, with a medium effect size (*d* = .65; *d* = .49; *d* = .61 respectively).

Table 27

Test Statistics by Condition

Condition	*N*	T1 *M* (*SD*)			T2 *M* (*SD*)			Correlation T1:T2 (*r*)		
		TS/91%	GP/85%	SP/85%	TS/86%	GP/85%	SP/85%	TS	GP	SP
Experimental	35	41.95 (9.03)	3.30 (1.61)	39.50 (8.86)	46.08 (10.98)	3.46 (2.06)	43.13 (10.60)	0.04	-0.16	0.05
Control	37	44.91 (11.15)	3.69 (2.45)	41.78 (11.10)	38.75 (11.62)	2.58 (1.54)	36.38 (11.45)	0.34	0.001	0.34

Condition	*N*	T1 *M* (*SD*)			T2 *M* (*SD*)			Correlation T1:T2 (*r*)		
		TS/91%	GP/85%	SP/85%	TS/86%	GP/85%	SP/85%	TS	GP	SP
Difference		-2.96	-0.39	-2.28	7.33	0.88	6.75			
(Cohen's *d*)		(-.29)	(-.19)	(-.23)	(.65)	(.49)	(.61)			

Note. TS = total scores; GP = general provision; SP = special provision. The percentages in the column headers indicate the best possible percentage correct after removing items or paths according to the results of test item analyses.

It should be noted that the test scores of the control group decreased from the pre-test to the post-test. This shows that the skills of analyzing and resolving cases for the control group students were not enhanced through participating in the control condition. On the contrary, in traditional lecture-based classes, the students listened to the lecturer and received information passively for most of the class time, which reduced access to relevant skills due to a lack of practice and application of the skills. Thus, their test scores were decreased. Other possible reasons for the decreased test scores in the control condition were discussed in the interview study (see section 7.3.5 in this chapter).

7.3.4 Significance of Difference between Groups

Cohen's *d* analysis suggests a strong advantage to the experimental group, but this is purely descriptive, without adjusting for chance. To test the significance of difference between control and experimental group in terms of three pre- and post-test scores (i.e., TS=total scores; GP= general provision scores; and SP= special provision scores), multivariate analysis of variance (MANOVA) was employed.

With respect to the pre-test, the Box's M value of 11.63 was associated with a *p* value of .09, which was interpreted as non-significant based on Huberty and Petoskey's (2000) guideline (i.e., p< .005). Thus, the covariance matrices between the groups were assumed to be equal for the purposes of the MANOVA. All four multivariate tests (i.e., Pillai's Trace, Wilks' Lambda, Hotelling's Trace, and Roy's Largest Root) suggested the difference between groups was non-significant (p= .55). Tests of between-subjects effects showed that the differences between all three pre-test scores were not statistically significant (TS: $F_{(1, 72)} = 1.52$, p= .22; GP: $F_{(1, 72)} = .64$, p=.43; SP: $F_{(1, 72)} = .93$, p= .34). This means that the two groups of participants were equivalent from the beginning of the intervention, which concurred with the Cohen's *d* effect size (see Table 27).

With regard to the post-test, the Box's M value of 7.21 was associated with a *p* value of .33, which was interpreted as non-significant based on Huberty and Petoskey's (2000) guideline (i.e., $p < .005$). Thus, the covariance matrices between the groups were assumed to be equal for the purposes of the MANOVA. All four multivariate tests (i.e., Pillai's Trace, Wilks' Lambda, Hotelling's Trace, and Roy's Largest Root) suggested the difference between groups was statistically significant (p= .02). Tests of between-subjects effects showed that the differences between all three post-test scores were all statistically significant (TS: $F_{(1, 72)} = 7.55$, p=.01; GP: $F_{(1, 72)} = 4.32$, p=.04; SP: ($F_{(1, 72)} = 6.72$, p=.01). This indicates two groups of participants were not equivalent after intervention. The partial eta squared for group ($\eta_p^2 = .10$, $\eta_p^2 = .06$, $\eta_p^2 = .09$ respectively) produced a medium effect size (Cohen, 1988; Cohen'*f* in AN(C)OVA: 0.10= small, 0.25= medium, 0.40= large) with regard to all three post-test scores ($f = 0.33$; $f = 0.25$; $f = 0.31$ respectively).

Considering the possible impact of pre-test scores on the post-test scores, multivariate analysis of covariance (MANCOVA) was also conducted using the pre-test score as a covariate to control the post-test score. Results showed that all three pre-test scores were not a statistically significant predictor of the three post-test scores (pre-TS: $F_{(1, 72)} = 0.12$, p=.73, $F_{(1, 72)} = 0.97$, p=.33, $F_{(1, 72)} = 0.11$, p=.74; pre-GP: $F_{(1, 72)} = 0.94$, p=.34, $F_{(1, 72)} = 1.32$, p=.25, $F_{(1, 72)} = 1.18$, p=.28; pre-SP: $F_{(1, 72)} < 0.01$, p=.96, $F_{(1, 72)} = 0.74$, p=.39, $F_{(1, 72)} < 0.01$, p=.98 respectively). By contrast, the group condition was both statistically significant and a reasonably robust predictor of all three post-test scores ($F_{(1, 72)} = 8.59$, p=.01, $F_{(1, 72)} = 4.55$, p=.04, $F_{(1, 72)} = 7.42$, p=.01 respectively). The partial eta squared for group ($\eta_p^2 = .11$, $\eta_p^2 = .06$, $\eta_p^2 = .10$ respectively) produced a medium effect size with regard to all three post-test scores which were controlled by the pre-test scores ($f = 0.35$; $f = 0.25$; $f = 0.33$ respectively).

To sum up, although the mean score of the control group in the pre-test was higher than that of the experimental group from the beginning ($d = -.29$), the experimental group achieved higher mean scores in the post-test compared with the control group ($d = .65$). Hence, the net effect in terms of the total score is .94, which is greatly in favour of the experimental group. Moreover, the difference between experimental and control group test performance was both statistically significant and of moderate size. These results show that deploying different teaching methods in control and experimental groups did generate different learning outcomes. It is especially interesting to see this moderate effect in such a

short treatment and short test. The results certainly suggest that teaching this way is productive.

7.3.5 Interviews after the Teaching Intervention

At the end of the teaching intervention, interviews with five high-achieving and five low-achieving students from each condition were carried out (interviewees 01~10 belong to the control group and interviewees 11~20 belong to the experimental group). The demographic characteristics of the 20 interview participants are presented in Table 28. The interviewees comprised 4 males and 16 females, of whom 17 were sophomore and 3 were junior law students. This means the interviews mainly reflected the perceptions of second-year female law students. Nevertheless, the Chi-square test results indicate that there were no statistically significant differences in distributions for sex ($\chi^2_{(1)} = .26$, Cramer's V = .25, $p = .26$) and academic year ($\chi^2_{(1)} = .53$, Cramer's V = .14, $p = .53$) between two groups.

Table 28

Demographic Characteristics of the Interview Participants

	Control group			Experimental group		
	High-achieving student	Low-achieving student	Total	High-achieving student	Low-achieving student	Total
N	5	5	10	5	5	10
Sex						
male	1	0	1	2	1	3
female	4	5	9	3	4	7
Academic Year						
2nd	5	4	9	3	5	8
3rd	0	1	1	2	0	2

7.3.5.1 Data coding framework. The coding dictionaries for both groups are presented in Appendices M and N. The codes with at least two participant statements assigned to the same code were reported. Within each group, 35 codes were categorized into nine similar themes and three identical topics respectively. Topic 1 focused on the teaching method the participants experienced in the teaching intervention. This topic helped to assess whether the teaching method deployed by the researcher was aligned with the intended

teaching method for each condition. Topic 2 generalized the evaluation of the experienced teaching method(s) from the perspectives of the participants, including their attitudes to the experienced teaching method as well as the characteristics, advantages, and disadvantages of the experienced teaching method. Topic 3 involved participants' suggestions on the teaching methods embracing the current and preferred percentage of the three teaching methods (i.e., lecture, case and problem-based method) used in their law school.

7.3.5.2 Coding reliability. Before conducting further thematic analyses, inter-rater kappa coefficient was calculated to ensure coding reliability. Two independent raters were invited to participate in the study. Each rater was given a coding dictionary and two sample transcriptions. One transcription was randomly selected from among five high-achieving students from the control or experimental group, while the other transcription was randomly selected from five low-achieving students within the same group. As presented in Tables 29 and 30, the kappa coefficients between the researcher and the independent rater regarding coding for the control group were 0.86 and 0.93 respectively, which indicate an almost perfect agreement (Landis & Koch, 1977).

Table 29

Inter-rater Coding Comparison (Case 10 with high post-test score in the control group)

Code	Researcher	Rater1	Product	Agree	Disagree	Total
1.1	1	1	1	2	0	2
2.2.1	1	1	1	2	0	2
2.4.4	1	1	1	2	0	2
2.5.2	2	2	4	4	0	4
2.5.3	2	0	0	0	2	2
2.6.1	1	1	1	2	0	2
2.6.6	1	1	1	2	0	2
3.1.1	1	0	0	0	1	1
3.1.2	1	1	1	2	0	2
3.2.2	1	1	1	2	0	2
3.2.3	1	1	1	2	0	2
3.3.1	1	0	0	0	1	1
3.3.2	1	1	1	2	0	2
3.3.3	1	1	1	2	0	2

Code	Researcher	Rater1	Product	Agree	Disagree	Total
3.3.5	1	1	1	2	0	2
			15	26		30
Po				0.867		
Pc			0.017			
kappa	0.864					

Table 30

Inter-rater Coding Comparison (Case 2 with low post-test score in the control group)

Code	Researcher	Rater1	Product	Agree	Disagree	Total
1.1	1	1	1	2	0	2
2.1.1	1	1	1	2	0	2
2.2.1	1	1	1	2	0	2
2.3.4	1	1	1	2	0	2
2.4.1	1	0	0	0	1	1
2.4.2	1	1	1	2	0	2
2.5.1	1	1	1	2	0	2
2.5.2	2	2	4	4	0	4
2.5.3	1	1	1	2	0	2
2.6.1	1	1	1	2	0	2
2.6.6	1	1	1	2	0	2
3.1.1	1	1	1	2	0	2
3.1.2	0	1	0	0	1	1
3.2.3	1	1	1	2	0	2
3.2.4	1	1	1	2	0	2
3.3.1	2	2	4	4	0	4
3.3.3	1	1	1	2	0	2
3.3.4	1	1	1	2	0	2
			16	28		30
Po				0.933		
Pc			0.018			
kappa	0.932					

Similarly, as shown in Tables 31 and 32, the kappa values (.89 and .80 respectively) between the researcher and the second independent rater also indicate a sufficient agreement in terms of coding for the experimental group. Thus, the coding applied by the researcher was sufficiently reliable across groups (i.e., control and experimental groups) and sub-groups (i.e., high-achieving and low-achieving groups).

Table 31

Inter-rater Coding Comparison (Case 15 with high post-test score in the experimental group)

Code	Researcher	Rater2	Product	Agree	Disagree	Total
1.1	1	1	1	2	0	2
2.1.1	1	1	1	2	0	2
2.2.2	1	1	1	2	0	1
2.3.1	1	1	1	2	0	2
2.3.2	1	1	1	2	0	2
2.3.3	0	1	0	0	1	1
2.4.2	1	1	1	2	0	2
2.5.3	2	2	4	4	0	4
2.6.2	0	1	0	0	1	1
3.1.1	1	1	1	2	0	2
3.1.2	1	0	0	0	1	1
3.2.3	1	1	1	2	0	2
3.2.5	1	1	1	2	0	2
3.3.3	1	1	1	2	0	2
			14	24		27
Po				0.889		
Pc			0.019			
kappa	0.887					

Table 32

Inter-rater Coding Comparison (Case 20 with low post-test score in the experimental group)

Code	Researcher	Rater2	Product	Agree	Disagree	Total
1.1	1	1	1	2	0	2

Code	Researcher	Rater2	Product	Agree	Disagree	Total
2.1.1	1	1	1	2	0	2
2.2.1	1	1	1	2	0	2
2.3.1	1	1	1	2	0	2
2.4.2	0	1	0	0	1	1
2.5.4	1	1	1	2	0	2
2.5.7	1	1	1	2	0	2
2.6.2	0	1	0	0	1	1
2.6.3	1	1	1	2	0	2
2.6.4	1	1	1	2	0	2
3.1.1	1	2	2	2	1	3
3.1.2	1	0	0	0	1	1
3.2.1	0	1	0	0	1	1
3.2.2	0	1	0	0	1	1
3.2.3	1	1	1	2	0	2
3.2.6	1	1	1	2	0	2
3.3.3	1	1	1	2	0	2
			12	24		30
Po				0.800		
Pc			0.014			
kappa	0.797					

7.3.5.3 Topic 1: Teaching method(s) experienced in both groups. The teaching method(s) experienced by all 20 participants from both groups was aligned with the intended method (i.e., using lecture method within the control group, while deploying case and problem method within the experimental group; see Tables 33 and 34; code 1.1). For example, “I experienced lecture method in the teaching intervention” [Interviewee 02], and “I experienced case method and problem method in your course” [Interviewee 15].

7.3.5.4 Topic 2: Evaluation of the teaching method(s) experienced in both groups. Ordinal polychotomous frequencies were used to calculate the effect size for the differences between two sub-groups (i.e., high-achieving and low-achieving students) using the Wilson calculator (Lipsey & Wilson, 2001). The results are presented in Tables 33 and 34.

Table 33

Frequency Count and Comparison within the Control Group

Code	High-achieving student	Low-achieving student	Total	Difference between sub-group	Effect Size		
					Theme *d*	Topic *d*	Overall *d*
1.1	5	5	10	0	--	--	
2.1.1	2	3	5	-1	0.19		
2.1.2	1	1	2	0			
2.2.1	2	3	5	-1	--		
2.3.1	0	2	2	-2			
2.3.2	0	2	2	-2	-1.66		
2.3.3	0	2	2	-2			
2.3.4	1	1	2	0			
2.4.1	1	2	3	-1			
2.4.2	1	3	4	-1	0.15		
2.4.3	1	1	2	0			
2.4.4	3	0	3	3		1.10	
2.5.1	2	4	6	-2			
2.5.2	2	3	5	-1			
2.5.3	3	3	6	0	-0.07		1.40
2.5.4	1	1	2	0			
2.5.5	0	2	2	-2			
2.6.1	5	5	10	0			
2.6.2	2	1	3	1			
2.6.3	2	1	3	1	0.12		
2.6.4	1	1	2	0			
2.6.5	3	1	4	2			
2.6.6	4	1	5	3			
3.1.1	5	5	10	0			
3.1.2	4	3	7	1	0.14		
3.2.1	1	3	4	-2		0.13	
3.2.2	5	2	7	3	-1.07		
3.2.3	3	3	6	0			
3.2.4	0	2	2	-2			

Code	High-achieving student	Low-achieving student	Total	Difference between sub-group	Effect Size		
					Theme *d*	Topic *d*	Overall *d*
3.3.1	3	5	8	-2	0.32		
3.3.2	2	0	2	2			
3.3.3	3	4	7	-1			
3.3.4	1	1	2	0			
3.3.5	1	2	3	-1			
3.3.6	1	1	2	0			

Note. -- = cannot compute the effect size.

Table 34

Frequency Count and Comparison within the Experimental Group

Code	High-achieving student	Low-achieving student	Total	Difference between sub-group	Effect Size		
					Theme *d*	Topic *d*	Overall *d*
1.1	5	5	10	0	--	--	1.28
2.1.1	3	3	6	0	0.15	1.09	
2.1.2	1	0	1	1			
2.1.3	0	2	2	-2			
2.2.1	0	2	2	-2	-1.17		
2.2.2	2	1	3	1			
2.2.3	2	0	2	2			
2.3.1	5	5	10	0	0.23		
2.3.2	2	0	2	2			
2.3.3	1	1	2	0			
2.4.1	0	2	2	-2			
2.4.2	2	2	4	0	-0.63		
2.4.3	2	0	2	2			
2.5.1	2	1	3	1			
2.5.2	1	1	2	0			
2.5.3	3	2	5	1	-0.31		
2.5.4	1	2	3	-1			
2.5.5	1	3	4	-2			
2.5.6	0	2	2	-2			

Code	High-achieving student	Low-achieving student	Total	Difference between sub-group	Effect Size		
					Theme *d*	Topic *d*	Overall *d*
2.5.7	3	3	6	0			
2.6.1	1	1	2	0			
2.6.2	2	2	4	0	0.03		
2.6.3	1	2	3	-1			
2.6.4	1	1	2	0			
3.1.1	4	1	5	3	0.61		
3.1.2	5	5	10	0			
3.2.1	2	1	3	1			
3.2.2	0	2	2	-2			
3.2.3	4	4	8	0	-0.17		
3.2.4	1	1	2	0		0.08	
3.2.5	2	0	2	2			
3.2.6	1	2	3	-1			
3.3.1	1	1	2	0			
3.3.2	1	1	2	0	-0.30		
3.3.3	2	1	3	1			

Note. -- = cannot compute the effect size.

With respect to the attitude towards the experienced method(s), the results show a trivial effect size of difference between sub-groups across both groups (Table 33, codes 2.1.1 and 2.1.2, *d*= 0.19; Table 34, codes 2.1.1~2.1.3, *d*= 0.15). This indicates that the attitude towards teaching methods (i.e., whether they like it or not) cannot be explained as the major reason for the participants' learning achievements. Moreover, comparison between the control and experimental group shows that 50% of participants in the control group liked the experienced teaching method while 90% of participants within the experimental group liked at least one of the experienced teaching methods (60% of participants in the experimental group liked both teaching methods). This highlights the strength of utilizing the combination of multiple teaching methods that students could have alternative options when they dislike one of the teaching methods.

However, with regard to the reason for the preference of lecture method (code 2.2.1 in Table 33), all interviewees in the control group who explicitly expressed a positive attitude towards lecture method voiced a similar opinion: "I get used to/am familiar with this method"

and have been taught by this method for a long time (from primary school/middle school to university). This shows that law students liked lecture method not because this method was interesting or effective, but because it was habitual for them.

With respect to the characteristics of lecture method (codes 2.3.1~2.3.4 in Table 33), the low-achieving students from the control group summarized more features of lecture method than the high-achieving students, with a large effect size (*d*= -1.66). For example:

> "teacher's lecture predominated the class..."
> "students need to take notes..."
> "the atmosphere of the class was inactive..."
> "at most times, all students answered the question together..."

These statements verified again that the teaching method experienced within the control condition matched the designed lecture method. More interestingly, most features of the lecture method provided by the control group interviewees were negative in nature (e.g., inactive class atmosphere, and teacher-centred class). This indicates that the law students within the control group were not satisfied with the traditional lecture method, which might be the possible explanation of their low-achieving performance in the post-test.

In contrast, when talking about the common characteristics of case method and problem method (codes 2.2.1~2.2.3 in Table 34), interviewees from the experimental group summarized as follows:

> "compared with lecture method, more students' participation was required for case method or problem method..."
> "I had to find the materials needed for case analyses independently and studied them actively..."
> "previously I had no interest in criminal law, but now I found that criminal law was interesting after the intervention…"

These characteristics summarized by the experimental group students were positive in nature (e.g., participation, independency, active learning, and motivating interest in criminal law). These positive changes in learning, such as interest in criminal law, or internal motivation, could be a factor contributing to the post-test score difference between the control and experimental conditions.

In terms of the unique characteristics of case method (codes 2.3.1~2.3.3 in Table 34) and problem method (codes 2.4.1~2.4.3 in Table 34), the comments from the interviewees in the experimental group included the following:

"I can bear some questions in mind to attend your course, which pointedly deepened my understandings of specific legal knowledge..."
"lecture method uses cases to testify the knowledge we have learned while case method elicits knowledge from cases..."
"case method is different from lecture method in that students understand and apply knowledge through case analysis..."
"team members might focus on different aspects of the case and hence our opinions could be supplemented with each other..."
"without any preview and preparation beforehand, this method (problem method) tests our extemporary performance. This skill is very important for a lawyer…"

The in-depth understanding regarding the unique features of case method and problem method shows that the interviewees within the experimental group did recognize the values and strengths of both methods. These two teaching methods differentiating from the traditional lecture method require law students to change their original learning approaches, for instance, from passive learning to active learning, which might contribute to their post-test performance.

Through comparing the comments on advantages of the experienced teaching method(s) between two conditions (codes 2.4.1~2.4.4 in Table 33 and codes 2.5.1~2.5.7 in Table 34), it shows that the interviewees in the experimental group mentioned more about their changes through the intervention. For instance, "motivate our enthusiasm and initiative", "our practical skills were trained", "our sense of team-work was enhanced", "our oral communication skill was improved", "I became more confident than before", and "my skills of thinking independently and resolving problems have been enhanced". These comments indicate that participants in the experimental group did benefit from the intervention and experienced a lot of skills training. Some skills, such as oral communication and team-work, could not be tested through the paper-based post-test. All these positive changes including confidence and motivation could directly or indirectly contribute to their post-test performance. By contrast, all interviewees in the control group didn't mention their changes through the intervention.

In terms of disadvantages of lecture method (codes 2.5.1~2.5.5 in Table 33), the interviewees within the control group mentioned five aspects, namely:

"the knowledge gained in lecture-based class could be easily forgotten soon..."
"one-to-one interaction between the teacher and the student was rare..."
"I felt bored and fell asleep in lecture-based classes..."
"lecture method went against improving students' self-directed learning capabilities..."
"lecture method went against improving students' law practical skills..."

Most of these weaknesses of the lecture method could possibly impact on the post-test performance of the control group, for example, easy to forget the learning content, and fall asleep in class. By contrast, the interviewees within the experimental group talked more about the difficulties they met during the intervention (codes 2.6.1~2.6.4 in Table 34), such as “not adapted to the case method in the beginning”, “imposed higher requirements on us that we need to spend much time on finding relative materials independently”, “I deviated from the right direction when searching relative articles”. However, these difficulties could be overcome when the students adapted to the new teaching methods gradually. Thus, these disadvantages of the case method and problem method would not greatly affect students’ achievements.

With regard to evaluation of the intervention within the control group (codes 2.6.1~2.6.6 in Table 33), all interviewees thought that “the lecture method employed in the teaching intervention was almost same as the method used by other law teachers” [Interviewee 01] (code 2.6.1). This suggests again that the teaching method used within the control group was consistent with the design (i.e., lecture method).

7.3.5.5 Topic 3: Suggestions on teaching methods from both groups. In terms of the current/expected percentage of the three teaching methods (i.e., lecture, case and problem methods; codes 3.1.1 and 3.1.2 in Tables 33 and 34), the majority of the interviewees across both groups agreed that the current 70%~90% use of lecture method could be decreased to 50%~70%. This result was consistent with those of the survey study that the lecture method still predominated at law schools in China and law students hoped to decrease at least 20% of the use of lecture method. Meanwhile, nine (out of ten) interviewees in the control group and eight (out of ten) interviewees in the experimental group insisted that “lecture method should predominate at least 50% of classes” [Interviewee 02]. This indicates that the majority of interviewees across both groups were very dependent on the lecture method which was a habitual teaching method for them.

With regard to suggestions about lecture method (codes 3.2.1~3.2.4 in Table 33; codes 3.2.1and 3.2.2 in Table 34), as shown in Table 33, three low-achieving interviewees hoped to change the current lecture-based method (code 3.2.1) because “new teaching methods bring the feeling of freshness and hence are more attractive to students” [Interviewee 05]. Two low-achieving interviewees (code 3.2.4) commented that “it would be boring to use only one teaching method to give 18-week lectures” [Interviewee 02]. This shows that low-achieving students within the control group desired for the changes in

teaching methods. In contrast, all five high-achieving interviewees within the control group emphasized the importance of increasing interaction between the teacher and students in lectures (code 3.2.2), such as incorporating discussion, answering questions, and using case analyses in class. In sum, both high-achieving and low-achieving students within the control group were not satisfied with the current lecture method and expected some changes to be made in teaching methods. In other words, the lecture method cannot fully meet law students' demands for the acquisition of knowledge and skills.

With respect to suggestions on other teaching methods (codes 3.3.1~3.3.6 in Table 33; codes 3.2.3~3.3.3 in Table 34), eight out of ten interviewees in each group suggested that "multiple teaching methods including lecture, case, and problem methods could be combined together in order to cater for various demands of students" [Interviewee 18] (code 3.3.1in Table 33 and code 3.2.3 in Table 34). This suggests that utilizing the combination of teaching methods could be a promising approach to teach law. Seven out of ten interviewees within the control group advised that "law school could offer more legal practice classes or legal clinics, especially at junior or senior stage" [Interviewee 02] (code 3.3.3 in Table 33). This reflects that law students yearned for being equipped with more legal practical skills. In addition, three interviewees in the experimental group pointed out that "it would become infeasible if the case method was used in all courses because we would have no sufficient time to preview the learning materials of every course before class" [Interviewee 14] (code 3.2.6 in Table 34). This should be noted for law teachers when deploying case method in classes.

7.3.5.6 Summary of the interview study. *T*he teaching method(s) experienced by the students within two conditions appeared to align with the designed method(s). The overall effect size of difference between high- and low-achieving students in either control or experimental group was large (d = 1.40; d = 1.28 respectively). This indicates that high- and low-achieving students across both groups did hold different views about the teaching methods, especially regarding the characteristics of their experienced methods and suggestions about lecture method (d= -1.66; d= -1.17; d= -1.07 respectively). The different understanding and evaluation about the teaching methods between high- and low-achieving students could possibly influence their post-test performance.

Although most interviewees held a positive attitude to their experienced teaching method(s), the trivial effect size between two sub-groups across both conditions indicates that

the attitude towards teaching methods cannot be identified as a major factor that could influence participants' achievements.

From the negative description about the features of lecture method (codes 2.3.1~2.3.4 in Table 33) and the suggestions on the lecture method (codes 3.2.1~3.2.4 in Table 33), it can be seen that the interviewees within the control group were not satisfied with the current lecture method and welcomed some changes to be made in teaching methods. Moreover, all interviewees across both groups hoped the current percentage of lecture method deployment could be decreased on a vast scale (at least 20%). This also suggests that the traditional lecture method cannot fully meet law students' demands for the acquisition of knowledge and skills. In addition, the limitations of the lecture method (codes 2.5.1~2.5.5 in Table 33) could possibly impact on the post-test performance of the control group. It is likely that the lecture method did not get the students to engage in meaningful and cognitively active processing of the to-be-learned material. All these factors may be the possible reasons for the decreased performance of the control group participants from pre- to post-test.

By contrast, the positive description and in-depth understanding about the characteristics of case and problem methods reveals that the interviewees within the experimental group did recognize the values and strengths of both methods and experienced positive changes in learning. Moreover, the interviewees in the experimental group provided more information on their changes through the intervention. For instance, "our sense of team-work was enhanced", "our oral communication skill was improved", "I became more confident than before", "my skills of thinking independently and resolving problems have been enhanced", and, "previously I had no interest in criminal law, but now I found that criminal law was interesting after the intervention". All these positive changes could directly or indirectly contribute to their post-test performance. Nonetheless, all interviewees in the control group didn't report any changes through the intervention, perhaps because "the lecture method employed in the teaching intervention was almost same as the method used by other law teachers". This suggests that the lecture method did not create any level of engagement and meaningful processing by the participants in the control condition.

With respect to suggestions on the teaching methods, 80% of interviewees from both groups suggested that multiple teaching methods, including lecture, case, and problem methods, could be combined to teach law to cater for law students' various preferences of

teaching methods. This indicates that utilizing the combination of teaching methods could be a promising approach to teach law.

To sum up, the respective strengths and weaknesses of the three teaching methods (i.e., lecture, case, and problem methods) as well as the changes (in learning approaches, motivation, and so on) these teaching methods brought about to law students, will definitely contribute to the different post-test performance between the two conditions. The positive changes experienced by the experimental group students again validated, from a qualitative perspective, the effects of deploying case and problem methods with the students.

Chapter 8: Discussion and Conclusion

8.1 Summary of Main Findings

In order to investigate whether deploying the combination of case and problem-based methods in law classes could generate better learning outcomes than using the traditional lecture method, four studies were designed and conducted. An online questionnaire was undertaken in Study 1 aiming to investigate the current state of Chinese legal education in terms of the teaching methods commonly used and how well the graduate attributes that legal professionals believed to be important for legal practice has been taught in law schools. As to Study 2, pre- and post-tests were validated as the measurement for the quasi-experimental study. The teaching intervention program was also validated in Study 3 to assure that the teaching method(s) in each lesson plan were aligned with the intended method(s). Finally, a quasi-experiment was conducted in Study 4 by utilizing different teaching methods within two conditions to test the effectiveness of the teaching methods (i.e., lecture vs. case and problem-based methods). The main findings of these studies are summarized as follows.

8.1.1 Lecture Method Predominated in Law Schools of Mainland China

The lecture method was used most often in law schools of Mainland China, as indicated by 86% of law students and 91% of law teachers (Chapter 4). The interview study (section 7.3.5 in Chapter 7) also revealed that the current percentage of lecture method deployment was between 70% and 90%. The results of the combined quantitative and qualitative studies suggest that the current Chinese legal education delivery is predominantly lecture-based. However, based on the results of the survey and the interview, it is clear that both law students and teachers hoped to decrease the usage of the lecture method by at least 20% at law schools. Correspondingly, law students and teachers indicated that the percentages of case method, problem-based method, and clinical method could be increased. This suggests that both law students and law teachers would welcome the use of more alternative teaching methods in place of lecture method.

In contrast, the actual percentages for use of case method, problem method, and clinical method in law schools were approximately 20%, 10% or even less, respectively, from the perspective of law students and law teachers. Two participants from the experimental group in the interview study even reported that it was the first time they had experienced case

method and problem method (see Chapter 7). This suggests that law teachers in Mainland China seldom use these alternative methods to teach law.

8.1.2 Graduate Attributes of Law Schools in the Chinese Law System

In the survey study, law students and legal professionals were asked to indicate the importance of each graduate attribute on a checklist and how well each attribute had been acquired by the law students or graduates. The purpose of this study was to investigate whether law students had been equipped with sufficient attributes within current legal education system in China.

The mean scores of the 20 graduate attributes were all greater than or close to 4 (= "important") from the perspectives of all participants. This result suggests that the developed checklist of graduate attributes can be used as an instrument to investigate the current state of legal education within the Chinese law system. The CFA results indicated that the 20 graduate attributes can be theoretically and empirically categorized into three dimensions; that is, knowledge, skills, and values. The checklist of graduate attributes and the three-construct model both highlighted the important teaching goals in legal education.

By comparing the mean scores for each construct between groups, the results revealed that law student participants were not satisfied with the graduate attributes of cultivation of legal 'knowledge' and 'skills' ($M < 4.00$). Only the delivery in terms of value attributes reached the "good" level (4= "good"). Legal professional participants showed discontent with all three dimensions of the graduate attributes (i.e., all three mean scores were all less than 4). Therefore, the perception of the participants indicates that law students probably do not have sufficient depth in these attributes through the current predominantly lecture-based legal education system.

8.1.3 Effect of Teaching with Different Methods in the Control and Experimental Groups

Based on the bi-factor models of both tests, the experimental group achieved higher mean scores in the post-test compared with the control group, although the mean score of the control group in the pre-test was higher than that of the experimental group at the beginning. The Cohen's *d* value of the total score indicated a medium effect size ($d = .65$). Moreover, the results of MANCOVA revealed that the group condition was both statistically significant and a reasonably robust predictor of all three post-test scores when using the pre-test score as a covariate. Overall, teaching with the alternative methods (i.e., case method and problem-

based method) did generate better learning outcomes when compared with using traditional lecture method with a medium effect size.

The changes experienced before and after the teaching intervention, as reported by the students in the interview study, also supported the claim that teaching with alternative methods had an advantage over the lecture method. The interviewees in the experimental group reported more insightful important changes in terms of their skills and dispositions through the intervention than did the control group. For instance: “our sense of teamwork was enhanced”, “our oral communication skill was improved”, “I became more confident than before”, and, “previously I had no interest in criminal law, but now I found that criminal law is interesting after the intervention”. These positive changes validated, from a qualitative perspective, the effects of deploying case and problem methods with the students.

8.2 Discussions of the Main Findings

8.2.1 Lecture Method: Maintain or Terminate?

Chinese legal education has been predominantly lecture-based. However, this is not the case only in China. A similar scenario also presents itself in other countries within the civil law system, such as Germany and Japan (Ostertag, 1993; Wilson, 2010). This phenomenon can be attributable to the historical development of the civil law system. In contrast to the common law system, the civil law system can be labeled as an “interpretive model” (Ostertag, 1993), which means law teachers mainly teach law students how to interpret codes or statutes at law schools. Thus, the teaching in law schools places extra emphasis on the interpretation of concepts, rules, and principles in law. The lecture method has the advantage over other teaching methods (e.g., case method) in imparting law students with the theoretical interpretation of law. Consequently, lectures are the prevalent teaching method in law schools within the civil law system. Another reason for the domination of lecture method in law schools within the civil law system lies in the large class sizes; for instance, there are usually from 200 to 600 students in a “great lecture” in Germany (Korioth, 2006). The overcrowded large classroom makes it hard to engage students in class discussion (Klein, 1993). Therefore, the common scenario at law schools in the civil law system is that the teacher keeps talking at the front of the classroom while the students passively listen and take notes, with scarcely any student-teacher interaction.

However, the alignment of the lecture method with the civil law system does not mean that it is automatically effective in helping students learn. Based on the results of the

survey and interview studies, both law teachers and law students hoped to change the current state of lecture-style classes and deploy more interactive teaching methods. Similar arguments have also been made during the reform of legal education in Germany and Japan (Lundmark, 2008; Wilson, 2010). The tensions derived from the need for reform in current legal education within the civil law system could be mitigated through utilizing case method, problem-based method with more interactions, and by offering more practical courses, such as legal clinics and moot court. It should be noted that Japan and Korea have taken the bold step of introducing the Socratic case method into their teaching of code-based civil law (Wilson, 2010). Criticism still exists in relation to the transferability of ideals and teaching methods from the common law system to the civil law system in Japan and Korea (Saito, 2006; Wilson, 2010). The reform of legal education will never be easy, and it takes time to see its effects. When Professor Langdell first introduced the case method into American legal education, at the Harvard Law School in 1870, the faculty was also unfamiliar with the technique, and it was viewed with suspicion. However, due to patience and perseverance, the case method has been the primary method of pedagogy at American law schools ever since. It seems impractical to deploy case method in its true form within a civil law system which is based upon codes or statutes rather than case law. Nonetheless, the introduction of case method in its modified form or other comparable teaching methods (e.g., problem-based method) could be beneficial for law students and law schools in the long run. For instance, the results of the quasi-experimental study show that law students within the experimental group performed better on NJE test items and gained more valuable graduate attributes training than those within the control group.

Moreover, the pressure derived from globalization and international legal practice would be a practical reason for the countries within the civil law system to consider the introduction of the ideals and teaching methods of the common law system. For example, Japanese companies tend to be at a disadvantage in international negotiations, particularly with American lawyers (Rosen, 2016). It was hard for Japanese companies to find local lawyers who could compete as equals with American lawyers. This situation became worse, especially when American-style law practice had turned into the dominant mode for international legal practice in the twenty-first century (Rosen, 2016). Law students (or the would-be lawyers) within the civil law system should, therefore, be familiar with legal practice in the common law system and be trained at law schools to think like legal professionals for the benefit of their future clients. Modern legal education and teaching methods, therefore, should be contemplated and scrutinized in the environment of

globalization and internationalization. From such a perspective, predominantly lecture-based legal education cannot achieve the goal of a variety of skills training, such as intellectual skills and legal practical skills, to foster law graduates who could compete fairly with lawyers from the common law system in global legal practice.

Nevertheless, this does not mean the lecture method should be terminated in teaching within the civil law system. Given the experience of Japanese legal education reform, thoroughly adopting Socratic case method could bring about challenges for law teachers and students and lead to maladaptation and even relapse to some extent (Rosen, 2016). It is understandable that it is hard for law teachers who only have experience using lecture methods to shift to deploying a completely different Socratic case method (Maxeiner & Yamanaka, 2004). It is also challenging for law students who have been passive and disengaged in lectures to change to an active learning style. As two interviewees mentioned it took them a few weeks to become comfortable with the case method (Chapter 7). Certainly, it is hard to change, especially when the lecture method has become a habit for law teachers and students. It takes time for them to fully accept a new teaching methodology.

In addition, the case method imposed more workloads on both law teachers and students. For example, the researcher spent half a year preparing the lesson plans for the teaching intervention, and this workload would only increase in relation to the associated research and learning time regarding how to deploy the case method and problem-based method to teach law. Two of the interviewed law students claimed to spend two nights previewing the learning materials before each class (Chapter 7). This means that if four courses per term used the case method, law students might have no spare time after preparing for the courses. Law schools should take law students' workload (or the costs to students as discussed in Chapter 2) into consideration when designing the syllabus and delivery format for the curriculum. The high first-year attrition rate of American law schools somewhat reflects the relationship between the high pressure on law students resulting from the massive workload and failure in the first year at law school (Organ, 2018). It seems that only a "genius" could survive at American law schools, which is aligned with their elite professional legal education ideal. However, to countries such as Germany and China with an ideal of mass legal education which aims to cultivate generalists for society, it would be unwise to impose too much workload on law students. Thus, the lecture method could be maintained in teaching within the civil law system in consideration of its historical underpinnings and the practicability of large-scale deployment of case method.

However, according to the findings of the survey study, law students probably do not have sufficient depth in graduate attributes across all three dimensions (i.e., knowledge, skills, and values) for their future legal work through the current predominantly lecture-based legal education system in China. This provides the possibility of expanding the diversity of teaching methods to improve the training of graduate attributes.

As discussed previously, the lecture method could be maintained in teaching within the civil law system. But the percentage of deployment of lecture method at law schools should be reduced according to law students and legal professionals (Chapters 4 and 7). Both law teachers and law students hoped to decrease use of lecture method by at least 20%, while insisting that at least 50% of teaching should be through the lecture method. This suggests that 20% non-lecture method was a good starting point and that lecture method still has its "market" foundation. If the actual percentage of lecture method utilization were reduced, other teaching methods (e.g., case method and problem method) could be introduced to increase the interaction between law teacher and students as well as providing more opportunities for a set of attributes training.

Moreover, the results of the teaching intervention study indicate that deploying case and problem methods to teach law did generate better learning outcomes than using only a traditional lecture method. More importantly, some graduate attributes (such as team spirit and oral communication skills) and motivational elements (e.g., confidence and interests), according to the interviewees (Chapter 7), were improved through the intervention. Although the 2 hours per week experimental treatment when combined with the normal teaching load would only represent 7% of non-lecture method, it was a small part of but seemingly effective teaching methods. Thus, the combination of lecture method with case method and problem-based method could be a promising way to teach law to equip law students with wider and deeper graduate attributes.

Naturally, each teaching method has its own strengths and shortcomings. Law teachers could supplement one method with another to make use of the best of the methods. Similarly, it is practicable to integrate elements of teaching methods often used in the common law system (such as case method) into the legal education within the civil law system (Klein, 1993). This combination of teaching methods in legal education could help students prepare for possible work with foreign lawyers who use the common law system and build up confidence with sufficient attributes in global legal practice.

8.2.2 Legal Education: The Balance of Theory, Practice, and Values

As indicated in the graduate attribute analysis in the survey study, the 20 graduate attributes can be categorized into three dimensions: knowledge, skills, and values. From the perspectives of legal professionals, all these three dimensions are crucial to the success in legal practice. The checklist of graduate attributes and the three-construct model in the survey study both gave insights into the important teaching goals in legal education. Moreover, the quasi-experimental study indicates that teaching with the combination of case method and problem-based method seems to have encouraged the development of a wider range of graduate attributes than deploying the traditional lecture method. This provides some evidence in terms of the relationship between the diversity of teaching methods and graduate attributes acquisition.

Legal education in Germany and Japan before reform (in 2002 and 2004 respectively), as well as in China, could be categorized as a theory-oriented approach. Theory-oriented legal education fulfilled the tasks of indoctrinating legal knowledge and training of only one skill: legal analysis (Sullivan et al., 2007). However, law schools should educate law students to become legal professionals who are expected to be creative problem solvers, not merely scholarly legal analysts (Krannich, Holbrook, & McAdams, 2008). Besides solid legal knowledge, a qualified legal professional must be equipped with a broad set of problem-solving skills and professional values. It appears that theory-oriented legal education could not meet such an expectation from the public, and hence legal reforms either in the common law system (e.g., the US) or in the civil law system (e.g., Germany, Japan, and Korea) followed the same path, with a transition from the theory-oriented to practice-oriented (Sullivan et al., 2007; Lundmark, 2008; Wilson, 2010).

Practice-oriented legal education does not mean that law schools should ignore the knowledge dimension regarding the rules, theories, history, and philosophy of law. Those who advocate for more of a practice orientation to legal education suggest that law schools placed too much emphasis on the theoretical dimension and overlooked the training of practical skills which should have equal importance with knowledge cultivation for law students to succeed in the legal profession (Krannich, Holbrook, & McAdams, 2008; Kruse, 2013). It is not enough that practical courses were only “add-on” to the theoretical courses. Practical skills training should be highlighted to the same extent as theoretical training (Sullivan et al., 2007). Thus, practice-oriented legal education means going beyond thinking like a lawyer and shifting from teaching how to think like a lawyer to how to act like a lawyer

(Krannich, Holbrook, & McAdams, 2008). It is clear that legal analysis skills gained through traditional legal education represent only a small part of a much larger combination of skills needed for practicing law. Traditional legal education, for instance, predominantly using lecture method in the civil law system, could not achieve such a goal of a set of skills trainings. What is needed is to integrate practical skills training with the theoretical training. This means that, in addition to theoretical courses, law schools should offer more courses involving skills training. Correspondingly, the traditional teaching method, for instance, the lecture method, should be combined with alternative teaching methods, such as case method, problem-based method, to provide more opportunities for a wider range of attributes training.

As shown in the survey study, only 38% of law students and 32% of law teachers believed that law students were capable of resolving a case independently. This suggests that most law students still had not acquired sufficient problem-solving skills to resolve a real-world problem independently through years of lecture-predominated legal education. Also, according to the survey study, both law students and law teachers would like to increase use of case method and problem method by 8% on average. This indicates that law students and law teachers welcomed the use of more alternative teaching methods in their classes. Moreover, in the interview study, seven out of ten interviewees within the control group advised that law school should offer more legal practice classes, especially at junior or senior stage (Chapter 7). All these results show that many law students cannot apply the knowledge learned at law schools into legal practice to resolve a case independently and they yearned for being equipped with more legal practical skills through the introduction of alternative active teaching approaches (e.g., case method, problem-based method).

The experimental study shows that the participants within the experimental group achieved higher post-test scores than those within the control group. Given that the test items were selected NJE items, which were all case-based questions, the higher scores indicate that law students in the experimental condition performed better in applying legal knowledge into practice to analyze and resolve real-world cases than those in the control condition. This means that employing the combination of case method and problem-based method improved law students' practical skill at analyzing and resolving cases, which was a basic but important skill that every legal professional should acquire for their legal practice. Moreover, case method has the advantages of shifting the teaching from teacher-centred to student-centred activities (Grant, 1997), exposing students to real-world cases which they may be faced in their future work (Raju & Sankar, 1999), increasing students' motivation and interest in a

subject (Mustoe & Croft, 1999), allowing the application of theoretical knowledge into practice, and bridging the gap between theory and practice (Davis & Wilcock, 2003). Thus, law educators can employ the case method to create an effective learning environment which encourages law students' active learning and provides opportunities for the development of key practical skills, such as oral communication, critical thinking, and problem solving.

Similarly, problem-based method also benefits practical skills training. During the process of problem-based learning (PBL), due to no prior information input (i.e., no lectures and no preparation beforehand), law students need to integrate their existing knowledge schemas with the acquired knowledge through self-study and then applied this information to solve the ill-structured problem. In this sense, PBL is consistent with the idea of meaningful learning when law students were engaged in active cognitive process. Along with this learning process, law students' cognitive skills (e.g., the skill at finding relevant information quickly) could be trained and improved. Moreover, self-directed learning (SDL) is viewed as a key component of PBL (Schmidt et al., 2009). Through the phase of self-study, law students' academic skills (e.g., the skills in conducting legal research or writing a report) and efficiency skills (e.g., the skill at complying with deadlines or working under pressure) could be trained and enhanced. In addition, small-group collaboration is another key element of PBL (Loyens, Kirschner, & Paas, 2012). Because law students were required to discuss extensively with others in small group, they obtained more opportunities to practice interpersonal skills (i.e., oral communication and team work skills). Much research reported the positive effect of PBL on skills training with respect to critical thinking skills (Şendağ & Odabaşı, 2009), domain-specific practical skills (Schmidt, Vermeulen, & Van Der Molen, 2006), interpersonal skills (Schmidt et al., 2009), and cognitive skills (Koh et al., 2008). But the effect of PBL was particularly robust in terms of interpersonal skills training (Schmidt et al., 2009; Mennin et al., 1996). All these skills mentioned above correspond with the checklist of graduate attributes in Appendix B. In the interview study, the interviewees also reported their graduate attributes improvement with regard to oral communication, sense of team work, and interest in criminal law. This finding concurs with findings from previous research on the effect of case method and problem-based method as mentioned above.

The previous discussion focused on knowledge and skills as well as the impact of different teaching approaches, however, a critical graduate attribute that is missing from this discussion is the acquisition of professional values. The main goals of legal education comprise the delivery of fundamental legal knowledge, primary lawyering skills, and

embedded professional values (Kruse, 2013). Professional values are undoubtedly crucial for the whole legal profession, as lawfulness of the legal profession relies on the honesty of its members (Krannich, Holbrook, & McAdams, 2008). Judicial corruption has occurred in many countries all over the world and calls attention to a focus on the importance of professional values. Unfortunately, the cultivation of professional values in legal education, either in the common law system or in the civil law system, has been deficient in the same way as practical skills training (Moran, 2010; Rosen, 2016; Wilson, 2010). The results of the survey study also indicate that legal professionals were not satisfied with the cultivation of the values dimension in Chinese legal education (M = 3.77; 4 = good).

Two possible reasons might explain the deficiency of legal education regarding transmission of professional values. The first reason is the misconception that professional values are private values which should be free of public regulation and the belief, therefore, that professional values should not be taught in law schools. However, the existence of practice licensing indicates that professional values are public values and open to public scrutiny (Moran, 2010). The relationship between professionalism and values can be explained as a connection between privilege and obligation. The state authorizes legal professionals the monopoly of practicing law to pursue the benefits that are forbidden to other members of the society. As a price of the privilege, obligations are imposed on the legal professionals by the state. These ethical obligations include, according to the McCrate Report, “refraining from sexual harassment and from any form of discrimination on the basis of gender, race, religion, ethnic origin, sexual orientation, age, or disability, in one’s professional interactions with clients, witnesses, support staff, and other individuals” (American Bar Association, 1992, p. 214). The second reason for denying values training at law schools is the mistaken belief that it is too late to teach ethical behaviours and professional responsibilities to law students due to their age (Sullivan et al., 2007). Nevertheless, research shows that values can be taught at all ages and higher education can increase more mature ethical thinking of young adults (Wildman, 2005; Sullivan et al., 2007). It is unreasonable, therefore, to resist professional values training in law schools based on these two reasons. We cannot imagine that law school graduates enter the legal profession without any sensitivity to gender, race, ethnicity, class, and without any understanding of the meaningfulness of their ethical behaviours to the whole legal profession. Law schools should accept responsibility for professional values training and again any values course will never be adjunct to the core legal courses. Thus, legal education reform in both legal systems

should adopt an integrative approach through balancing the three dimensions of legal education: knowledge, skills and values.

Many articles suggest the effectiveness of case method and problem-based method in teaching the ethical values in various academic subjects including engineering (Herkert, 2000), medicine (Self, Wolinsky, & Baldwin, 1989), science (Barden, Frase, & Kovac, 1997), nursing (Lin et al., 2010), and teacher education (Strike, 1990). With regard to the legal education, many law schools and teachers in America utilized case method or problem method for teaching legal ethics (Morgan, 1997; Menkel-Meadow, 2000). According to the research by Koh and colleagues (2008), the appreciation of ethical aspects of the academic subject had strong level of evidence in favour of PBL graduates compared with those of traditional curricula. Thus, both case method and problem-based method could be used for developing appropriate ethical values of law students. In the teaching intervention classes within the experimental group, the researcher often guided law students to visualize themselves in the role of a defendant, a lawyer, a prosecutor, or a judge when analyzing the cases. Feeling with a character in a case gave law students a closer and broader experience (although vicariously) of the case and motivated them to consider what they might do in the same situation, and hence allowed them to make a legal ethics choice in the simulated situation, which could lead to a more humane and realistic legal analysis and decision (Menkel-Meadow, 2000).

To sum up, in contrast to traditional lecture method, employing the combination of case method and problem-based method in the quasi-experimental study gave a further step towards practical skills training and legal ethics cultivation, and hence generated a better learning outcome. To achieve the goal of equipping law students from three dimensions: knowledge, skills, and values, legal education should merge theories, practice, and values, and consequently expand the diversity of teaching methods, for instance, using the combination of lecture method, case method, and problem-based method.

8.3 Limitations and Follow-up Research

Some limitations of this study should be mentioned. First of all, due to the length of the survey, the completion rate was only 60% of those who started the survey. This relatively low response rate is a threat to the generalizability of the results. Given that the length and complexity of the survey might impact the patience of the participants, a more concise survey could be designed, or the current survey could be separated into several small surveys to

decrease the completion time, in a future study. Nonetheless, the survey provided valuable information regarding the current state of Chinese legal education and important graduate attributes needed for legal practice.

Secondly, the researcher did not obtain the GPA of the law student participants in the teaching intervention study due to ethical considerations. But with the GPA as a covariate to control the post-test scores in the quasi-experimental study, the results could be more accurate and convincing. A follow-up study could be conducted in the future by incorporating the GPA to control the post-test scores.

Thirdly, the small sample size was another limitation of the teaching intervention study. Also, the participants were recruited in only one specific law school in China. The small and specific sample might not fully reflect the current state of the population. Further research could be done at law schools in multiple cities in China to enlarge the sample size to reflect the possibly more accurate status of the population of law students.

Fourthly, this study used a researcher developed measurement of impact. Such measurements are usually more generous in determining an impact than a standardized test run by an external agency. Thus, the results of the study should be tempered with the possibility that they might not show up on the NJE.

Lastly, a follow-up dose-response counterbalanced study could be undertaken to investigate the appropriate percentage of each teaching method to be deployed in law schools. Although law teachers and law students in the survey and interview studies provided their suggestions about the preferred percentage of each teaching method, the empirical evidence for optimal percentage of each teaching method should be tested in a well-designed dose-response study in the future.

8.4 Implications

8.4.1 Theoretical Implications for Teaching Methods in Legal Education

Each teaching method has its merits and demerits. Based on the results of the intervention study, deploying case method and problem-based method did generate better learning outcomes and achieved a wider range of attributes attainment than using traditional lecture method. This result is consistent with the argument of many educators that lecture method is ineffective compared to active teaching methods (Marbach-Ad, Seal, & Sokolove, 2001; Jungst, Licklider, & Wiersema, 2003). However, some research indicates that lecture method is superior (Struyven, Dochy, & Janssens, 2008; Hattie, 2009), or at least comparable

(Van Dijk, Van Den Berg, & Van Keulen, 2001; Covill, 2011), to the active teaching methods. Given the mixed findings of current research on the effectiveness of lecture method, we still cannot draw a conclusion that traditional lecture method is an ineffective teaching method within legal education. Hence, the result of the intervention study is restricted to the context of Chinese legal education and its generalizability needs to be tested by other researchers in the future.

As elaborated in the discussion section, lecture method is not without its benefits, particularly in the civil law system. Although case method and problem method could provide more interaction between law teacher and students, they are very time-consuming for law teachers to use to convey all the teaching content. In this regard, the one-way lecture method is the most efficient in delivering as much knowledge as possible within a limited class time (Saito, 2006). In addition, the case method imposes massive workload on law students and consequently can lead to mental stress in law students. Under workload pressures associated with case method, law students might be expected to show much higher levels of distress, depression and loss of subjective well-being than the general population and other tertiary students (Kelk et al., 2009; Sheldon & Krieger, 2007; Benjamin et al., 1986). Thus, law teachers should take particular notice and make the best use of the merits and demerits of each teaching method.

Based on the interview study, 80% of interviewees from both groups suggested that multiple teaching methods, including lecture, case, and problem methods, could be combined to teach law to expand the training of graduate attributes. This indicates that utilizing the combination of teaching methods could be a promising approach to teach law. Certainly, this integrative approach needs to be further tested in a future study.

8.4.2 Theoretical Implications for Graduate Attributes in Legal Education

In the survey study, a checklist of 20 graduate attributes was developed and then tested through a confirmatory factor analysis (CFA). Although many educators accepted the three dimensions of education (Dill, 1990; Evers & Wolstenholme, 2007; Clemitshaw, 2008), that is, knowledge, skills, and values, there has been little research empirically testing the three constructs in a specific content area. Consequently, a model of 20 graduate attributes subordinated to the three constructs was created in the survey study to test the validity of the checklist of graduate attributes. The acceptable model fit indices indicate that the three-construct model can be used as an instrument to investigate the quality of legal education. Based upon the results of the survey study, the 20 graduate attributes not only signified the

important teaching goals of law schools, but also were considered to be critical for law practice from the perspectives of legal professionals. This means that all legal education stakeholders (i.e., law students, law teachers, judges, prosecutors, and lawyers) reached a consensus in terms of the educational goals of law schools. Although law schools in the common law system and in the civil law system could have diverse graduate attributes, all these graduate attributes can be classified into three dimensions: knowledge, skills, and values. In this regard, the three-construct model could be applied in both law systems.

8.4.3 Practical Implications for Law Schools

The most important suggestion for law schools in China is to review the curriculum first and expand it to include a focus on all three dimensions, that is, knowledge, skills, and values. The checklist of 20 graduate attributes and the three- construct model could be used to guide the design of law school curriculum, teaching syllabi, and tests. Law schools should provide a balanced and comprehensive curriculum for law students embracing theoretical, practical, and professional values courses. Moreover, the teaching intervention led to some evidence of greater attributes acquisition. Thus, it is applicable for law schools in China to encourage law teachers to employ case method and problem-based method to improve law students' achievements and graduate attributes training. Training program and seminars can be organized at law schools for those teachers who lack of enough training in the application of new teaching methods (Wilson, 2010).

8.4.4 Practical Implications for Law Teachers

Law teachers should give serious consideration to the graduate attribute analysis as a basis for preparing their course curricula and teaching strategies. Law teachers must be clear about what they should teach law students—not only legal knowledge, but also a variety of skills as well as professional values. Hence, law teachers should integrate these three dimensions into their lesson plans. According to the interview study, 12 out of 20 participants suggested that law school should offer more legal practice training to combine theories and practice. Moreover, the results of the survey study show that legal professionals indicated the importance of knowledge, skills, and professional values to legal practice (M=4.23, M=4.11, M=4.23 respectively; 4= important). However, they were discontent with all three dimensions of graduate attributes cultivation at law schools (M=3.33, M=3.44, M=3.77 respectively; 4= good). Thus, law teachers should reinforce all three dimensions of graduate attributes cultivation to meet the expectations of law students and legal professionals. Based upon the

findings of the thesis, law teachers in China can consider decreasing the use of lecture method while moderately increase the case method and problem method deployment. Thus, law teachers need to prepare a pedagogical toolbox in order to choose the right tool for a specific teaching activity (Eagar, 1996). This thesis provides a model for deploying wider methods and achieving deeper results.

8.5 Significance of the Study

Firstly, this study introduced case method and problem method into Chinese law classes and achieved significantly better learning outcomes than using traditional lecture method. Little research had previously reported such an intervention study that deployed case method, which is often used in the common law system, in Chinese law classes. Fortunately, the results of the intervention study show that teaching with the combination of case and problem-based methods not only improved law students' performance on the NJE test items, but also provided some hints that a wider range of attributes was acquired by law students compared with deploying the traditional lecture method within the control group. This study shows that, the introduction of teaching methods between the two law systems can be applicable, especially in the context of globalization and internationalization of legal practice.

This study also contributes to the literature in terms of teaching methods in legal education. According to the result of the intervention study, deploying case method and problem-based method has advantages over using lecture method in law teaching. This result is consistent with the argument of many educators that lecture method is ineffective compared to active teaching methods (Marbach-Ad, Seal, & Sokolove, 2001; Jungst, Licklider, & Wiersema, 2003). However, this study continued to argue that lecture method could be maintained, particularly in the civil law system, in view of its historical underpinnings and the practicability of large-scale deployment of case method. Although case method is proven to be an effective and successful method in training legal analysis skill (Sullivan et al., 2007), deploying case method across all the courses at law schools would impose heavy workload on law students and this pressure would result in a series of problems for law students, including affecting their psychological well-being. Therefore, this study proposes that deploying the combination of multiple teaching methods could be an effective way to teach law and make the best use of each teaching method as well as expanding the training of graduate attributes.

Moreover, this study developed an original curricular framework that could be used to guide the design of law school curriculum, teaching syllabi, and tests. This led to the

development and validation of an intervention treatment set of lesson plans and tests. These instruments could be tried out in further work and disseminated to help teachers and students learn how to prepare for the practice of law and doing well on the NJE.

Additionally, a list of 20 graduate attributes that law students should acquire at law schools was developed and tested. The results of the survey study and the confirmatory factor analysis further validated the list of graduate attributes. Also, the 20 graduate attributes can be categorized into three dimensions: knowledge, skills, and values. Although many educators accepted the three dimensions of education, little research had empirically tested the three constructs in a specific content area. The acceptable model fit indices indicate that the three-construct model with 20 graduate attributes can be used as an instrument to investigate the quality of legal education. Given the similarity in terms of graduate attributes between the common law system and the civil law system, the three-construct model could be applied in both law systems.

Lastly, this thesis illustrates an empirical study in the inter-discipline area between jurisprudence and pedagogy. As professor Kashiwagi (2009) observed, "strangely enough, no serious discussion or empirical research has been conducted regarding the level of skills and knowledge required for qualification as a contemporary lawyer." This empirical study shows that case and problem-based approaches to teaching in Chinese law system benefits learning achievements and graduate attributes acquisition in legal education. Thus, this thesis provides some insights into effective teaching methods and important graduate attributes in Chinese legal education.

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Appendices

Appendix A. Online Questionnaires for Law Students and Legal Professionals

Questionnaire for Law Students

Please note: Completion (of all parts) of the survey is voluntary.

Demographic Questions:

1. In which city do you study law?

2. What is your highest academic qualification?

3. How long have you been learning law?

Questionnaire Instructions

Please answer each question based on **YOUR OWN** opinion. Choose the box that comes **CLOSEST** to your opinion even if it is not exactly what you think.

If you want to change your mind, just click the other box you would like to choose.

Note that the response format is organized so that the first column is **POSITIVE,** and the last column is **NEGATIVE**; so, if you agree strongly, choose the **LEFT** side and if you disagree, choose the **RIGHT** side of the scale.

Questions for Law Students	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
What we have been taught is aligned with the objectives of the course.	☐	☐	☐	☐	☐
I am confident to resolve a case independently by using the knowledge and skills learned in law school.	☐	☐	☐	☐	☐
The lecture method still occupies the leading position in my law school.	☐	☐	☐	☐	☐

Please indicate the percentage of teaching which occurs in your law school of the following teaching methods. Then indicate what proportion of teaching you would like your teachers to use.

Please check that your percentages do not go over 100%.

Teaching Method	Actual Percentage	Preferred Percentage
•Lecture method	_____%	_____%
•Case method	_____%	_____%
•Problem method[1]	_____%	_____%
•Clinical method	_____%	_____%
•Other methods (please list here)		
_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _	_____%	_____%
_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _	_____%	_____%

[1] **A brief explanation of problem method:** Problem-based learning emphasizes students' self-directed learning. In problem-based learning, the student is confronted with a problem situation before any preparation or study has occurred. The students, often in small groups, analyze the problem first, and then seek resources on their own and bring their new knowledge back to the groups, and finally apply it to the problem.

Please answer both questions for each attribute in the following table.

Graduate Attributes	How well has this attribute been taught?					How important is this attribute?				
	Excellent	Good	Satisfactory	Poor	Very Poor	Very Important	Important	Moderately Important	Slightly Important	Not Important
1. Knowledge of the main concepts, principles, rules, systems and theories in the core areas of law	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
2. An understanding of the role of law in society (the law and the processes by which it functions)	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
3. Knowledge of law in practice, including detailed understanding of legal institutions, methods of reasoning and dispute resolution processes	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
4. Knowledge of law in context, including comparative, international and multi-cultural perspectives on contemporary legal issues	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
5. Knowledge of comprehensive disciplines outside the jurisprudence (e.g., economics and sociology) and an awareness of the relationship between law and other disciplines	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
6. A capacity to think critically, strategically and creatively including an ability to identify and articulate legal issues, apply reasoning and research, engage in critical analysis and make reasoned choices	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
7. Legal research skills (be able to use current technologies and effective research strategies)	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

8. Preparedness for practical training and entry into legal practice, including the skills of factual investigation, counselling, negotiation, litigation, and alternative dispute resolution procedures	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
9. Self-management of the time and efforts assigned to legal work, including reflecting on and assessing their own capabilities and performance	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
10. Be able to work effectively and productively both on their own and as a member of a team	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
11. Information literacy, including the ability to locate, evaluate, and use information in a range of contexts	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
12. Lifelong Learning (willingness and the ability to learn and continue learning)	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
13. Highly developed written communication skills and well-developed oral presentation skills	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
14. Computer technology skills	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
15. Foreign language skills, i.e., grasping at least a foreign language and be able to use it to read foreign legal materials	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
16. Integrity and ethical behavior (e.g., offering appropriate solutions to ethical dilemmas)	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
17. Sensitivity to gender, ethnic, cultural and other differences	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
18. A sense of justice and an understanding of basic principles of fairness	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
19. A sense of community responsibility, i.e., holding personal values and beliefs consistent with their role as responsible members of local, national, international and professional communities	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
20. A sense of professional responsibility	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Questionnaire for Law Teachers

Please note: Completion (of all parts) of the survey is voluntary.

Demographic Questions:

1. In which city do you teach law?

2. What is your highest academic qualification?

3. How long have you been teaching law?

since 2015 / between 2010-2015 / between 2000-2010 / before 2000

4. Are you also a lawyer?

Questionnaire Instructions

Please answer each question based on **YOUR OWN** opinion. Choose the box that comes **CLOSEST** to your opinion even if it is not exactly what you think.

If you want to change your mind, just click the other box you would like to choose.

Note that the response format is organized so that the first column is **POSITIVE,** and the last column is **NEGATIVE**; so, if you agree, strongly choose the **LEFT** side and if you disagree, choose the **RIGHT** side of the scale.

Questions for Law Teachers	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
1. What I have taught to my students is aligned with the objectives of the course.	☐	☐	☐	☐	☐
2. Most of my students are capable of resolving a case independently by using the knowledge and skills learned in law school.	☐	☐	☐	☐	☐
3. The lecture method still occupies the leading position in my law school.	☐	☐	☐	☐	☐

Please indicate the percentage of teaching which occurs in your law school of the following teaching methods. Then indicate what proportion of teaching you would like to use.

Please check that your percentages do not go over 100%.

Teaching Method	Actual Percentage	Preferred Percentage
•Lecture method	_____%	_____%
•Case method	_____%	_____%
•Problem method[2]	_____%	_____%
•Clinical method	_____%	_____%
•Other methods (please list here)		
_ _ _ _ _ _ _ _ _ _ _ _ _ _ _	_____%	_____%
_ _ _ _ _ _ _ _ _ _ _ _ _ _ _	_____%	_____%

[2] **A brief explanation of problem method:** Problem-based learning emphasizes students' self-directed learning. In problem-based learning, the student is confronted with a problem situation before any preparation or study has occurred. The students, often in small groups, analyze the problem first, and then seek resources on their own and bring their new knowledge back to the groups, and finally apply it to the problem.

Please answer both questions for each attribute in the following table.

Graduate Attributes	How well has this attribute been taught?					How important is this attribute?				
	Excellent	Good	Satisfactory	Poor	Very Poor	Very Important	Important	Moderately Important	Slightly Important	Not Important
1. Knowledge of the main concepts, principles, rules, systems and theories in the core areas of law	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
2. An understanding of the role of law in society (the law and the processes by which it functions)	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
3. Knowledge of law in practice, including detailed understanding of legal institutions, methods of reasoning and dispute resolution processes	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
4. Knowledge of law in context, including comparative, international and multi-cultural perspectives on contemporary legal issues	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
5. Knowledge of comprehensive disciplines outside the jurisprudence (e.g., economics and sociology) and an awareness of the relationship between law and other disciplines	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
6. A capacity to think critically, strategically and creatively including an ability to identify and articulate legal issues, apply reasoning and research, engage in critical analysis and make reasoned choices	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
7. Legal research skills (be able to use current technologies and effective research strategies)	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

8. Preparedness for practical training and entry into legal practice, including the skills of factual investigation, counselling, negotiation, litigation, and alternative dispute resolution procedures	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
9. Self-management of the time and efforts assigned to legal work, including reflecting on and assessing their own capabilities and performance	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
10. Be able to work effectively and productively both on their own and as a member of a team	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
11. Information literacy, including the ability to locate, evaluate, and use information in a range of contexts	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
12. Lifelong Learning (willingness and the ability to learn and continue learning)	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
13. Highly developed written communication skills and well-developed oral presentation skills	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
14. Computer technology skills	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
15. Foreign language skills, i.e., grasping at least a foreign language and be able to use it to read foreign legal materials	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
16. Integrity and ethical behavior (e.g., offering appropriate solutions to ethical dilemmas)	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
17. Sensitivity to gender, ethnic, cultural and other differences	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
18. A sense of justice and an understanding of basic principles of fairness	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
19. A sense of community responsibility, i.e., holding personal values and beliefs consistent with their role as responsible members of local, national, international and professional communities	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
20. A sense of professional responsibility	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Questionnaire for Law Practitioners

Please note: Completion (of all parts) of the survey is voluntary.

Demographic Questions:

1. In which city do you work?

2. What is your highest academic qualification?

3. When did you pass the National Judicial Examination?

   since 2015 / between 2010-2015 / between 2000-2010 / before 2000

4. Do you have teaching experience in law school?

   If yes, how long and at what level have you been teaching in law school?

Questionnaire Instructions

Please evaluate each attribute based on **YOUR OWN** opinion. Choose the box that comes **CLOSEST** to your opinion even if it is not exactly what you think.

If you want to change your mind, just click the other box you would like to choose.

Note that the response format is organized so that the first column is **POSITIVE,** and the last column is **NEGATIVE**; so, if you agree strongly, choose the **LEFT** side and if you disagree, choose the **RIGHT** side of the scale.

1. How important is each attribute to the legal work of judges/prosecutors/lawyers?

	Attributes of Judges' Legal Work	Very Important	Important	Moderately Important	Slightly Important	Not Important
1.	Knowledge of the main concepts, principles, rules, systems and theories in the core areas of law	☐	☐	☐	☐	☐
2.	An understanding of the role of law in society (the law and the processes by which it functions)	☐	☐	☐	☐	☐
3.	Knowledge of law in practice, including detailed understanding of legal institutions, methods of reasoning and dispute resolution processes	☐	☐	☐	☐	☐
4.	Knowledge of law in context, including comparative, international and multi-cultural perspectives on contemporary legal issues	☐	☐	☐	☐	☐
5.	Knowledge of comprehensive disciplines outside the jurisprudence (e.g., economics and sociology) and an awareness of the relationship between law and other disciplines	☐	☐	☐	☐	☐
6.	A capacity to think critically, strategically and creatively including an ability to identify and articulate legal issues, apply reasoning and research, engage in critical analysis and make reasoned choices	☐	☐	☐	☐	☐

7. Legal research skills (be able to use current technologies and effective research strategies)	☐	☐	☐	☐	☐
8. Preparedness for practical training and entry into legal practice, including the skills of factual investigation, counselling, negotiation, litigation, and alternative dispute resolution procedures	☐	☐	☐	☐	☐
9. Self-management of the time and efforts assigned to legal work, including reflecting on and assessing their own capabilities and performance	☐	☐	☐	☐	☐
10. Be able to work effectively and productively both on their own and as a member of a team	☐	☐	☐	☐	☐
11. Information literacy, including the ability to locate, evaluate, and use information in a range of contexts	☐	☐	☐	☐	☐
12. Lifelong Learning (willingness and the ability to learn and continue learning)	☐	☐	☐	☐	☐
13. Highly developed written communication skills and well-developed oral presentation skills	☐	☐	☐	☐	☐
14. Computer technology skills	☐	☐	☐	☐	☐
15. Foreign language skills, i.e., grasping at least a foreign language and be able to use it to read foreign legal materials	☐	☐	☐	☐	☐
16. Integrity and ethical behavior (e.g., offering appropriate solutions to ethical dilemmas)	☐	☐	☐	☐	☐
17. Sensitivity to gender, ethnic, cultural and other differences	☐	☐	☐	☐	☐
18. A sense of justice and an understanding of basic principles of fairness	☐	☐	☐	☐	☐
19. A sense of community responsibility, i.e., holding personal values and beliefs consistent with their role as responsible members of local, national, international and professional communities	☐	☐	☐	☐	☐
20. A sense of professional responsibility	☐	☐	☐	☐	☐

2. Please indicate how well each attribute has been acquired by law school graduates through the education of law schools.

Graduate Attributes	Excellent	Good	Satisfactory	Poor	Very Poor
1. Knowledge of the main concepts, principles, rules, systems and theories in the core areas of law	☐	☐	☐	☐	☐
2. An understanding of the role of law in society (the law and the processes by which it functions)	☐	☐	☐	☐	☐
3. Knowledge of law in practice, including detailed understanding of legal institutions, methods of reasoning and dispute resolution processes	☐	☐	☐	☐	☐
4. Knowledge of law in context, including comparative, international and multi-cultural perspectives on contemporary legal issues	☐	☐	☐	☐	☐
5. Knowledge of comprehensive disciplines outside the jurisprudence (e.g., economics and sociology) and an awareness of the relationship between law and other disciplines	☐	☐	☐	☐	☐
6. A capacity to think critically, strategically and creatively including an ability to identify and articulate legal issues, apply reasoning and research, engage in critical analysis and make reasoned choices	☐	☐	☐	☐	☐
7. Legal Research Skills (be able to use current technologies and effective research strategies)	☐	☐	☐	☐	☐
8. Preparedness for practical training and entry into legal practice, including the skills of factual investigation, counselling, negotiation, litigation, and alternative dispute resolution procedures	☐	☐	☐	☐	☐
9. Self-management of the time and efforts assigned to legal work, including reflecting on and assessing their own capabilities and performance	☐	☐	☐	☐	☐
10. Be able to work effectively and productively both on their own and as a member of a team	☐	☐	☐	☐	☐

11. Information literacy, including the ability to locate, evaluate, and use information in a range of contexts	☐	☐	☐	☐	☐
12. Lifelong Learning (willingness and the ability to learn and continue learning)	☐	☐	☐	☐	☐
13. Highly developed written communication skills and well-developed oral presentation skills	☐	☐	☐	☐	☐
14. Computer technology skills	☐	☐	☐	☐	☐
15. Foreign language skills, i.e., grasping at least a foreign language and be able to use it to read foreign legal materials	☐	☐	☐	☐	☐
16. Integrity and ethical behavior (e.g., offering appropriate solutions to ethical dilemmas)	☐	☐	☐	☐	☐
17. Sensitivity to gender, ethnic, cultural and other differences	☐	☐	☐	☐	☐
18. A sense of justice and an understanding of basic principles of fairness	☐	☐	☐	☐	☐
19. A sense of community responsibility, i.e., holding personal values and beliefs consistent with their role as responsible members of local, national, international and professional communities	☐	☐	☐	☐	☐
20. A sense of professional responsibility	☐	☐	☐	☐	☐

3. Please list any other graduate attributes that you think are also important for law school students to become qualified judges/prosecutors/lawyers but not included in the checklist above.

1. _____

2. _____

APPROVED BY THE UNIVERSITY OF AUCKLAND HUMAN PARTICIPANTS ETHICS COMMITTEE ON MAY 23, 2016, FOR 3 YEARS, REFERENCE NUMBER 017179.

Appendix B. Checklist of Graduate Attributes

		Graduate Attributes
Knowledge	A1	Knowledge of the main concepts, principles, rules, systems and theories in the core areas of law
	A2	An understanding of the role of law in society (the law and the processes by which it functions)
	A3	Knowledge of law in practice, including detailed understanding of legal institutions, methods of reasoning and dispute resolution processes
	A4	Knowledge of law in context, including comparative, international and multi-cultural perspectives on contemporary legal issues
	A5	Knowledge of comprehensive disciplines outside the jurisprudence (e.g., economics and sociology) and an awareness of the relationship between law and other disciplines
Skills	A6	A capacity to think critically, strategically and creatively including an ability to identify and articulate legal issues, apply reasoning and research, engage in critical analysis and make reasoned choices
	A7	Legal research skills (be able to use current technologies and effective research strategies)
	A8	Preparedness for practical training and entry into legal practice, including the skills of factual investigation, counselling, negotiation, litigation, and alternative dispute resolution procedures
	A9	Self-management of the time and efforts assigned to legal work, including reflecting on and assessing their own capabilities and performance
	A10	Be able to work effectively and productively both on their own and as a member of a team
	A11	Information literacy, including the ability to locate, evaluate, and use information in a range of contexts
	A12	Lifelong Learning (willingness and the ability to learn and continue learning)
	A13	Highly developed written communication skills and well-developed oral presentation skills
	A14	Computer technology skills
	A15	Foreign language skills, i.e., grasping at least a foreign language and be able to use it to read foreign legal materials

Values	A16	Integrity and ethical behavior (e.g., offering appropriate solutions to ethical dilemmas)
	A17	Sensitivity to gender, ethnic, cultural and other differences
	A18	A sense of justice and an understanding of basic principles of fairness
	A19	A sense of community responsibility, i.e., holding personal values and beliefs consistent with their role as responsible members of local, national, international and professional communities
	A20	A sense of professional responsibility

Appendix C. Pre- and Post-test Papers

Pre-test

Directions: In this section, you are to choose the **one** best answer, A, B, C or D, to each question. This section contains question1-10, 1 point for each question, a total of 10 points.

1. Which of the following options is correct in terms of causality?

A. A committed suicide by jumping from the building and her falling body killed the pedestrian B. This is a low probability event. No causality exists between A's act and B’s death.

B. In the case of fund-raising fraud, if the investors had obvious profit motives, we cannot identify a causal relationship between the acts of illegal fund-raising and the results of money loss.

C. A drove a car killing B and then escaped. The third person C took away the valuable possessions in C’s bag. No causality exists between A's act and B’s money loss.

D. Judicial interpretation stipulates that the traffic accident which injured more than three people with bearing minor responsibility for the accident cannot constitute a crime of traffic. This means that even if there is a conditional relationship, the results cannot necessarily be attributed to acts.

2. A, 15 years old, illegally invaded a computer information system of a cutting-edge technology research institute. B,18 years old, was aware of this fact but he still wrote the invading programming codes for A. Regarding this case, which of the following options is wrong?

A. If responsibility age and ability are not the conditions for a joint crime, then A's and B's acts constituted a joint crime.

B. If A's and B's acts constituted a joint crime, B shall be identified as an accomplice of the crime of illegal intrusion into computer information system.

C. Since A is not criminally responsible due to his age, B shall be punished as a one-sided joint crime of illegal intrusion into computer information system.

D. Whether A's and B's acts constitute a joint crime or not, B shall not be identified as an indirect principal offender of the crime of illegal intrusion into computer information system.

3. A deliberately hewed B twice, then he hewed B another two times with the intention of killing B. However, only one cut hit B and caused his death and we cannot identify which cut caused B' death. Which of the following options is correct for this case?

A. No matter which cut caused the fatal death, it should be identified as a consummated intentional homicide.

B. No matter which cut caused the fatal death, it should be identified as a consummated intentional assault and an attempted intentional homicide respectively.

C. According to daily life experiences, it should be presumed that one of the last two cuts caused B's fatal death and thus it should be identified as an attempted intentional assault and a consummated intentional homicide.

D. According to the rule of favoring the defendant when in doubt, although A's act can respectively constitute an attempted intentional assault and an attempted intentional homicide, there is no contradictory relationship between a homicide and an assault and hence A's act shall constitute the crime of intentional assault to death.

4. B and his family went out for several months, and his neighbor A volunteered to help take care of B’s housing. One day, A lied to own a pair of stone lions on the doorstep of the house and sold it to others and earned RMB 10, 000 for himself. Which of the following options is wrong, regarding the conviction of A’s act?

A. A’s act concurrently constituted the crime of embezzlement and fraud.

B. If considering that the purchaser had no property loss, A’s act only constituted the crime of theft.

C. If considering that the purchaser had property loss, A’s act concurrently constituted the crime of theft and fraud.

D. Regardless of the property loss of the purchaser, A’s act only constituted the crime of theft.

5. Regarding the interpretation of criminal law, which of the following options is wrong?

A. After bringing a conclusion of analogical interpretation among theoretical interpretations into the judicial interpretation, it does not belong to an analogical interpretation any more.

B. The large tractor was interpreted as the “car” of the crime of damaging vehicles in Article 116 of the "Criminal Law", which is at least an expanded interpretation or even an analogical interpretation.

C. Although there are many articles stipulating the concepts of "fake" and "alter" side by side in the Criminal Law, it is still possible that “alter” is interpreted as one form of “fake” in other articles.

D. Article 65 in the "Criminal Law" stipulates that the person who is under the age of 18 does not constitute a recidivist; Article 356 in the "Criminal Law" stipulates that those who have been convicted of smuggling, trafficking, transporting, or making drugs, or who are illegally in possession of drugs, and who again commit the crime stipulated in this section, are to be severely punished. According to the principles of natural interpretation, Article 356 does not apply for the person who is under 18.

6. With regard to the discussion on legitimate defense, which of the following options is correct?

A. A seized the criminal B. On the way to delivering B to the police station, A pressed tightly against the fierce B's head onto the back seat of the car. B was found died of asphyxiation when reaching the police station. A's act constituted legitimate defense.

B. B found that A rode a motorcycle to rob and then chased A with his car. While the two cars were paralleling, the motorcycle hit the guardrail and bounced back after a collision with B's car and rolled over. B's act does not constitute legitimate defense.

C. C found his neighbor Liu (female) prostitute herself at home and smashed Liu's security door (being worth 6,000 yuan) to prevent the prostitution. C's act constituted legitimate defense.

D. A shot B who was being illegally cross the national border (frontier) and then B got seriously wounded. A's act constituted legitimate defense.

7. University student A gave the interviewer B (a leader) 2 bottles of premium liquor in order to obtain high scores in the civil service interview, but B refused. The next day, A went to B's house and secretly put a gold coin worth 10,000 yuan on the coffee table. B was not aware of this. B's nanny assumed that B knew this and then put the gold coin into the B's cabinet. Which of the following options is wrong regarding this case?

A. A's act constituted offering bribes

B. B's act did not constitute bribery

C. It is not contradictory to convict A's offering bribes and B' bribery.

D. The act of Nanny constituted the crime of making use of influence to accept bribes.

8. A state-owned company's chief financial officer A pleaded B to misappropriate RMB 100,000 from the unit for his stock, and then a watch was given to B as a reward. B faked the account to pay 100,000 to A, and A promised to return it as soon as possible. Twenty days later, B used his personal account to return the RMB 100, 000 to the unit. Which of the following options is wrong for this case?

A. A and B secretly colluded with using the public funds, constituted as the joint criminal of the embezzlement of public funds.

B. Although B returned the money twenty days later, A and B should be constituted as consummated embezzlement of public funds.

C.B was illegally accepting watches and then constituted bribery.

D.B should not be constituted as both the embezzlement of public funds and accepting bribes.

9. Which of the following acts **shall not be** punished for the crime of intentional assault?

A. Prison officers beat and hanged prisoners and caused the fracture of prisoners.

B. Illegal detention of victim and strongly anti-twist the arm, which was causing arm broken of victim.

C. The removal of one kidney of a 17-year old juvenile under his consent, and the juvenile was paid RMB 50,000 as compensation.

D. Gang members was cut the little finger under his consent, due to his violation of rules.

10. Murderer A killed the person and forgot the murder weapon on the spot scene, and then called B, telling B the truth and asking for help him throw away the weapon. B Then hid the weapon in the house cellar. A few months later, while A was ready to voluntarily surrender, B wired RMB 20, 000 to A to keep A at large. Which of the following options is correct, regarding this case?

A. B's act of hiding weapon does not belong to destroying evidence, so B's act does not constitute the crime of helping to destroy evidence.

B. The act of B’s wiring RMB 20,000 yuan to A does not belong to provide assistances to escape, so B's act does not constitute the crime of harboring.

C. B's act constituted neither the crime of helping to destroy evidence nor the crime of harboring.

D. Although A instigated B to destroy evidence, A cannot be identified as the instigator of the crime of helping to destroy evidence.

Directions: In this section, you are to choose at least two appropriate answers to each question. This section contains question 11-17, 2 points for each question, and a total of 14 points.

11. About criminal intention, negligence and cognitive error, which of the following options is wrong?

A. A and B are circus performers. Performer A Flied dart precisely and never missed. One day, while A performing, B suddenly moved his body position and then the dart was thrown into his chest and caused his death. A's act is an accident.

B. A disputed with B on the roadside. A pushed B and then B was rolled over by a passing vehicle. The act of A was constituted intentional injury to death.

C. A saw that there was no one in the downstairs. A dropped a wood board to kill a kid playing on the downstairs unexpectedly. A’s act is an accident.

D. A intended to hack B to death with an axe, but in fact A took the hammer to kill B. A’s mistake belonged to method error and thus in light of legal accord, A’s act should be constituted as consummated intentional homicide.

12. About intentional crime pattern, which of the following is correct?

A. A kidnapped a girl B and blackmailed B’s parents. B’s father pretended not to care about his child’s safety and A had to send B back. Although this blackmailing failed, the consummated kidnapping constituted.

B. A snatched B’s necklace worth of RMB 10,000, but B tightly clutched her necklace and A only got half of the necklace. After escaping for 60 meters, A felt useless to keep half of the necklace and then threw it away. A’s act constituted attempted robbery due to his failure robbery.

C. B intended to steal cars and borrowed the theft key from A. B found that the key does not work, then use the other tools to steal cars. B’s act constituted consummated theft and A constituted attempted robbery.

D. A stole a diamond ring at the jewelry counter and fled the mall quickly and at last A fell down in the mall. A security guard propped him up and found his theft and put A under his control. A failed to leave the mall, so A’s act belongs to the attempted theft.

13. Which of the following options constitute a joint crime for both actors?

A. A saw the pornographic disc seller was poor, giving him RMB 1,000 to buy 200 pornographic discs.

B. B knew A married, but he still received the marriage license with A.

C. B gave RMB 100,000 to the national civil servant to employed B’s son as a civil servant.

D. A helped B recruit and transport prostitutes.

14. With regard to the identification of offences of bribery, which of the following is correct?

A. Zhang was the chief of urban construction bureau. A knew Zhang took drugs and asked Zhang to help in project tendering in return for providing Zhang with heroin. Zhang agreed. After A successfully got the bid, A sent 50-gram heroin to Zhang. Zhang's act constitutes the offence of bribery.

B. B was the deputy director of social security bureau. B's father asked B to bring several relatives into the range of social security and accepted 30,000 Yuan sent from the relatives. The act of B's father constitutes the offence of making use of influences to accept bribes.

C. Wang was the retired state-owned-factory director and made use of his influences to ask the current factory director to market insurance products in the factory. Then Wang accepted 30,000 Yuan from insurance company. Wang's act couldn't constitute offence of bribery.

D. The chief justice told the manager (Zhao) of a company that," if your company donates 5 million Yuan to the court as the office funds, your company will win this case." After the company won the case, the company transferred 5 million Yuan to the account of the court. The court constitutes offence of unit bribery.

15. A poisoned B to kill B. A took pity after seeing the poisoned B in anguish and drove B to the hospital. But due to excessive speed, the car hit the pole on the right and B who was sitting in the copilot position was killed. On the analysis of this case, which of the following is correct?

A. If the death of B should be attributed to the driving act, A’s act constituted the discontinuation of intentional homicide

B. If the death of B should be attributed to the act of poisoning, A’s act constituted the consummated intentional homicide.

C. As long as the results of the constituent elements occurred, it is impossible to constitute A’s act as discontinuation of a crime and thus A’s act did not constitute the discontinuation of a crime.

D. As long as the perpetrator sincerely prevent the occurrence of a result, even if failing to prevent the crime, it should be constituted as discontinuation of a crime and so A’s act constituted the discontinuation of a crime.

16. Which of the following acts is guilty of fraud (irrespective of the amount)?

A. A said to Lee family’s nanny: "The Laptop that Lee was using belongs to me and please give it to me." Nanny believed and gave the laptop to A.

B. A said to B who hold foreign currency: "Your hand is holding counterfeit money and please throw them away, otherwise you will go to jail." While B throwing away the foreign currency A seized the opportunity to pick them up.

C. A fundraised money for the victims, and people generally donated a few hundred dollars. When the wealthy businessman passed through fundraising locations, A said: "Many people have donated ten or twenty thousand, and you would donate more." The businessman believed A's words and donated RMB 20,000.

D. B stole a motorcycle and was ready to ride away. A felt suspicious of B and, pretended to be the owner of the motorcycle, said: "Do you want to ride my motorcycle?" B abandoned the vehicle and fled, but A appropriated this motorcycle.

17. A sneaked into others room and wanted to steal. But suddenly A saw an old woman sitting up in bed and begged A not to take her things. A ignored and continued to rummage, taking a silver necklace (worth RMB 400). On the analysis of the case, which of the following is correct?

A. A did not take enough actions to quell the revolt of the old woman to get the property, so A does not constitute the crime of robbery.

B. If the distinction between crimes of theft and robbery is to obtain the property secretly or publicly, then A acts in a robbing act; If A committed this crime carrying a weapon, then A should be constituted and punished for robbery crime.

C. If B option is adopted, A's act could be constituted and punished as the crime of violating the property, because A did not carry weapons to commit crime, not steal the property secretly, not in compliance with "large amount" of elements in the Robbery Crime.

D. Considering that theft is not limited to the secret theft, then A's act belongs to a burglary. So, A's act constituted the crime of theft and should be punished for this crime.

Directions: In this section, you are to choose at least one appropriate answer to each question. This section contains question18-21, 2 points for each question, and a total of 8 points.

18. A was a financial staff of a state-owned company. In June of 2007, A embezzled one million Yuan disaster relief funds of the company to buy stocks for himself. However, the stock price slumped, and A couldn't pay back the money. In January of 2008, A embezzled 700,000 Yuan office funds to buy himself a house. Two weeks later, A made half of a million Yuan out of the 700,000 Yuan office funds disappeared from the

financial account of the company by means of disposing account record. A didn't pay back any money to the company. About the identification of A's acts, which of the following option(s) are correct:

A. A's act of embezzling disaster relief funds can't constitute the offence of embezzling specific money and goods.

B. A's act of embezzling office funds constitutes the offence of embezzlement and the amount of embezzlement is 700,000 Yuan.

C. A's acts of embezzling office funds, disposing the account record and not paying back the money constitute the offence of graft. The amount of graft is 500,000 Yuan.

D. A's acts should be subjected to combined punishment of offence of embezzlement and graft.

19. A was the leader of a state-owned real estate company. A owed six million Yuan to Cai due to his personal business. Cai wanted A to pay back the money and hence A suggested to use the on-sale commercial residential apartment of the company to repay the debt. Cai agreed. So A transferred an apartment which is worth of six million Yuan under the name of Cai. Also, A recorded in the financial account of the company that he owed six million Yuan to the company. Three months later, A settled the account and never paid back the money he owed to the company before the case happened. Regarding A’s act, which of the following options is incorrect:

A. A's act of transferring the commercial residential apartment under the name of Cai constitutes the offence of graft.

B. A's act of transferring the commercial residential apartment under the name of Cai constitutes the offence of embezzlement.

C. A's acts of falsely settling the account and never paying back the money constitute the offence of graft.

D. A's acts of misappropriating six million Yuan of the company and embezzlement should be subjected to combined punishment.

20. Which of the following options constitutes voluntary surrender?

A. A embezzled the money of the unit and admitted all criminal facts to the leader of the unit, but A asked the leader not to bring him to judicial organs.

B. B was interrogated by the prosecutors for being involved in the offence of graft and truthfully confessed that the public funds were distributed to the staff of the state-owned unit. Also, B argued that his act couldn't constitute the offence of graft.

C. C was involved in a joint crime of larceny and surrendered initiatively and confessed the concrete situations of the crime of larceny. Later investigation shows that C surrendered because he got a little plunder and knew informers will get rewards.

D. D slightly injured Cheng because of dispute and called police that he hurt somebody. After D called the police, D saw Cheng rushed over with his fists raising. Hence, D beat Cheng to death and escaped.

21. Customer Li saw a fake art work with high price and thought it was the art work of a famous artist, but Li still had some doubts about it. So, A showed Li the fake evidence to prove the art work was real. Hence, Li bought the art work with a very high price. Regarding whether or not A's act could constitute offence of fraud, which of the following options are correct?

A. A’s act constitutes the offence of fraud.

B. Marking a high price wasn't a fraudulent act but providing fake evidence to prove the art work was real constitutes the fraudulent act.

C. Li already had a mistake understanding of the art work, so A's act of strengthen Li's mistake understanding couldn't constitute the fraudulent act.

D. There was no causality between A's act of providing fake evidence and the consequence. So, A's act could only constitute attempted offence of fraud.

Directions: In this section, you are to analyze two cases. This section contains question 22-23, 32 points for question 22, 36 points for question 23, and a total of 68 points.

22. (32 points)

Facts of the case: Chen had no source of income and used the false identification card to apply for a credit card. He used the card in a shopping mall more than 10 times, amounting to RMB 30,000, and never repaid. (Fact 1)

Chen wanted to apply for job and then asked Lee who was doing the job of making false certificate to make a false undergraduate diploma for him. They had a dispute over the price of making the false certificate. Chen was so furious that he reined Lee's neck for a long time, causing Lee's suffocation death. (Fact 2)

Chen dragged Lee's body into the woods and was ready to flee, but he suddenly thought that Lee would carry some valuable possessions. Then Chen took away Lee's mobile phones, cash and other items, worthy of more than RMB 10,000. (Facts 3)

Chen found the phone number of Lee's husband (Zhao) in Lee's phone. Chen then texted Zhao that Lee was kidnapped and asked Zhao to pay RMB 200, 000 "security fee." Chen did not succeed, as Zhao promptly reported this to the Police. (Fact 4)

Chen fled to another city. A few days later, Chen had not any choice except surrender to the Police, truthfully reporting Fact 2 and 4. (Fact 5)

During the prosecution stage, Chen gave the prosecutors Liu's crime clues of robbing others' property that he was mastering when Chen was a police to investigate Liu's criminal activity, which can be verified. (Fact 6)

Questions:

(1) In terms of Fact 1, what crime should Chen be convicted of? Why?

(2) In terms of Fact 2, what crime should Chen be convicted of? Why?

(3) In terms of Fact 3, how many kinds of handling suggestions (including conclusions and rationale) may exist?

(4) In terms of Fact 4, what crime should Chen be convicted of? Why?

(5) In terms of Fact 5, shall Chen’s act constitute voluntary surrender? Why?

(6) In terms of Fact 6, shall Chen’s act constitute performing meritorious service? Why?

23. (36 points)

Facts of the case: Workshop director A and the deputy factory director B in a state-owned chemical plant (both A and B were functionaries) conspired that they took advantage of their positions and scrapped the valuable piece part (the price of the piece part is 260,000Yuan) when it still could be used and need to buy from a hardware factory (a non-state-owned enterprise). In this way, they could misappropriate the money for the piece part. A told truth to the director of the hardware factory C and asked C to only post the receipt to the chemical plant without delivery of the goods after receiving the order of chemical plant. When C received the money of goods from the chemical plant, C should transfer 260,000 Yuan to the personal account of B.

In order to providing goods to the chemical plant in a long term, C transferred 260,000 Yuan of the hardware factory to B's personal account in advance. B immediately let his wife D who knew the whole thing after the event to withdraw the money from bank and asked D to send 130,000 Yuan to A. Three days later, when the accountant of the chemical plant was about to remit 260,000 Yuan to the hardware factory according to B's instruction, the money wasn't remitted successfully due to someone's report. Given that the conspiracy was exposed, A and B surrendered initiatively to the prosecutor and confessed truthfully the whole thing and handed in 260,000 Yuan to the procuratorate.

Additionally, A disclosed B's other criminal facts to the procuratorate that B taking advantage of his position bought raw material with an apparently higher price than the market price from the raw material company which was operated by his relative E for a long time. B's act led to three million loss of the chemical plant. In order to get the long-term help for B, E gave B's wife (without any investment) 10% stock shares of his raw material company (both B and D knew it clearly). D has got 580,000 Yuan dividends.

Questions: Please analyze the criminal liabilities of A, B, C, D, and E (including the nature of crimes, the pattern of crimes, joint crimes, combined punishment, and legally prescribed circumstances of sentencing), and give your reasons for it.

Post-test

Directions: In this section, you are to choose the **one** best answer, A, B, C or D, to each question. This section contains question1-10, 1 point for each question, a total of 10 points.

1. In terms of the judgment on causality, which of the following options is correct?

A. The police arrived after A injured B. On the way of the police sending B to hospital, the vehicle broke down, which caused B's death due to the lack of treatment for a long time. There exists causality between A' act and B's death.

B. Driver A who violated traffic laws knocked down pedestrian C and inflicted minor injuries on C. A drove away and fled although C passed out in the middle of the road. After 1 minute, it was too late for the speeding driver B to put on brakes before seeing C and hence caused the death of C. No causality exists between A' act and C's death.

C. A shot at B with the intent to kill, but C was shot to death due to unforeseen reasons. No causality exists between A' act and C's death.

D. A put poison into B's tea. Seriously ill B felt more uncomfortable after drinking the tea and then committed suicide. No causality exists between A' act and B's death.

2. With regard to the discussion on a joint crime, which of the following options is correct?

A. A seriously wounded Mr. Tao in order to rob him. However, Mr. Tao fought back desperately. Mr. Zhang passed by and helped A to take out Mr. Tao's personal belongings. So, A and Mr. Zhang constitute a joint crime and shall be responsible for Mr. Tao's serious injury.

B. B was fully aware that Mr. Hwang illicitly cultivated narcotic plants. However, B still collected the seeds of narcotic plants upon Mr. Hwang's request. Mr. Hwang and B constitute a joint crime of illicit cultivation of narcotic plants.

C. C bought a car with a low price from Mr. Lee although C was fully aware that the car was stolen by Mr. Lee. C and Mr. Lee constitute a joint crime.

D. Being the head of a department of state organs, Mr. Ding convened a leadership meeting and decided to privately distribute state assets to all employees in the name of the unit. Mr. Ding and employees constitute a joint crime.

3. Regarding the judgment on the crime of intentional homicide and intentional injury, which of the following options is correct?

A. A' father B was extremely painful due to terminal illness. In accordance with B's request, A caused B' death by injecting overdose tranquilizer to B. A's act should not be punished for the crime of intentional homicide because B' consent was real.

B. B was stabbed several times by A because of a quarrel and died. If A was indifferent to B's injury or death, A should constitute the crime of intentional homicide according to the actual result of death because both death and injury were included in A's criminal intent.

C. A lied to B that B's daughter C needed a kidney transplantation and let B donate a kidney to C. B agreed, but A excised B's kidney and transplanted it to D. Because B agreed to donate the kidney, A's act cannot constitute the crime of intentional injury.

D. A got B (17 years old)'s consent and transplanted B's left kidney to the singer whom B worshiped. Because B's consent was valid, A's act cannot constitute the crime of intentional injury.

4. B drove A to the beach to play. Upon arrival, B wanted to swim. A cheated B by saying that: "I will rest in the car, give me the key." While B was swimming, A drove to another place and sold the car. Which of the following crimes does A’s act constitute?

A. Embezzlement

B. Theft

C. Fraud

D. Concurrence of theft and fraud

5. With regard to interpretation of criminal law terms, which of the following options is correct?

A. In accordance with the rule of systematic interpretation, "sale" in special provisions of criminal law refers to buy and sell; hence, simple to buy or sell, does not belong to "sale".

B. According to the rule of kindred interpretation, "and so on" and "other" used after listing specific elements in articles of special provisions of criminal law, shall be interpreted in accordance with the contents and nature of what has been listed.

C. To interpret the act of spreading fabricated facts in information network despite knowing well that the facts are fabricated to damage the reputation of others as "fabricating facts to slander others," belongs to natural interpretation.

D. To interpret the act of stealing bone ashes as stealing "corpse", belongs to expanded interpretation

6. A legitimately defensed himself to B’s ongoing ordinary injury and caused serious injury to B (still within the limits of the defense). B no longer had the ability to infringe and begged A to send him to local hospitals, but A ignored and left. B bled to death. With respect to the case, which of the following options is correct?

A. A’s act of not providing help independently constitutes the omission crime of intentional homicide.

B. A’s act of not providing help independently constitutes the omission crime of negligently causing the death of another.

C. A's act is excessive self-defense.

D. A's act only constitutes legitimate defense.

7. B’s grandson C was detained on suspicion of being involved in robbery. B asked A to manage to exonerate C and promised to pay A $ 100,000 after things done. A knew early the deputy chief of police office D, but they haven’t met for many years. A asked D to exonerate C, but D disagreed. Then A threatened D with mudslinging, D was forced to deal with the case according to A’s requirements. After that, A received $ 100,000 in cash. With regard to the case, which of the following options is wrong?

A. The "close relationship" shall be construed substantively in accordance with making use of influence to receive bribes, not only formally defined as family and friends

B. According to option A’s point of view, "close relationship" includes a restricted relationship. Thus, A’s act constitutes the crime of making use of influence to receive bribes.

C. D’s act constitutes the crime of favoritism, and A’s act constitutes instigator of the crime of favoritism.

D. A’s act concurrently constitutes the crime of bribery and the crime of favoritism and should be convicted of the crime with a heavier punishment.

8. Police A colluded with an unemployed B, and let B inform the overload drivers that "only need to pay half of the fine, you can pass with a priority"; after the driver paid the money, B would report the driver's license plate number to A and A who was on duty at the high-speed intersection would release. Using this method, they got a total of 320,000 yuan. B kept 100,000 yuan and the spare money was left to A. With regard to the analysis of the case, which of the following options is wrong?

A. A and B constitute a joint crime of bribery.

B. A and B constitute a joint crime of corruption.

C. A and B constitute a joint crime of abusing authority.

D. The amounts of B’s accepting bribes is 320,000 yuan.

9. With regard to the crime of intentional injury and the crime of organization of selling human organs, which of the following options is correct?

A. Illegal operation of cadaveric organ trading constitutes the crime of organization of selling human organs.

B. The doctor knew well that they were minors and excised their organs after obtaining their agreement. The doctor’s act constitutes the crime of intentional injury.

C. Organizing other persons to sell human organs without profiting from it cannot constitute the crime of organization of selling human organs.

D. The organizer sold a kidney and earned 150,000 yuan, but he deceived the provider that the kidney was sold for 50,000 yuan. The organizer’s act constitutes the crime of intentional injury.

10. A killed C and escaped. In order to obstruct investigation, A called B to put an axe with C's blood but without any finger print on it to the crime scene. B did so and then called police saying that he saw the "murderer" who killed C and described completely different situations of the "murderer" from A's description. Hence, public security organs didn't put A into the list of suspects. Regarding this case, which of the following options is incorrect?

A. B's act of putting an axe without finger print to the crime scene constitutes offence of helping forge evidence.

B. A will not take the criminal liability for B's act of forging evidence.

C. B's act of fabricating stories and framing others constitutes offence of fabricating and framing.

D. B's act of describing murderer's facial features constitutes offence of harbouring.

Directions: In this section, you are to choose at least two appropriate answers to each question. This section contains question 11-17, 2 points for each question, and a total of 14 points.

11. With regard to the judgment on cognitive errors in criminal law, which of the following options is wrong?

A. A pushed the victim into a well with the intention of drowning the victim. Because there was no water in the well, the victim actually fell to death. This is the method error in criminal law. A’s act constitutes the consummated crime of intentional homicide.

B. B planned to strangle the victim after the victim took sleeping pills and fell asleep. However, the victim died of eating the sleeping pills put in by B before B commenced strangulation. This is the accomplishment of constitutive elements ahead of time. B’s act constitutes the consummated crime of intentional homicide.

C. C intended to shoot Lee to death but killed Mr. Zhang beside Mr. Lee due to missing the point. According to no matter what doctrine, C's act constitutes the consummated crime of intentional homicide.

D. D killed his father mistakenly as a personal enemy. According to either the doctrine of specific compliance or the doctrine of statutory compliance, D's act shall constitute the consummated crime of intentional homicide.

12. With regard to the discussion on the stopped pattern of crimes, which of the following is correct?

A. A (General Manager) convened a company meeting and made a decision of tax evasion. A ordered financial officer Mr. Hwang to conceal a sum of 50 million yuan when declaration of income, but later Mr. Hwang truthfully declared to tax authorities and paid the tax payable. The unit constitutes an attempted crime, and Mr. Hwang constitutes discontinuation of a crime.

B. B forcibly seized Mr. Zou’s 200,000 yuan in cash, and later found they were all the counterfeit money. B’s act constitutes the consummated crime of forcible seizure.

C. C stolen a baby for the purpose of selling, but C feared of taking criminal liability and brought the baby back to the original position. C’s act constitutes the consummated crime of child trafficking and cannot constitute discontinuation of the crime.

D. D fired several shots to his personal enemy Mr. Hu, but all shots missed. However, Mr. Hu was frightened and died of heart attack. D's act constitutes the consummated crime of intentional homicide.

13. With regard to joint crimes, which of the following options is correct?

A. B decided to kill his wife C because C had an affair with others. A did not know this, but A encouraged B to kill C for other reasons. Later B killed C. A cannot constitute the instigator of the crime of intentional homicide.

B. B intimidated C with the intention of extortion. When C delivered the property, A knowingly joined in midway and helped B obtain the property. A constituted the accomplice of the crime of extortion.

C. B and C fought with each other in front of the hardware store while the clerk A was looking on. During the process of fighting, B showed his money to A to buy a claw hammer. When handing the hammer to B, A said, "That you wounded men has nothing to do with me." B seriously wounded C with the hammer. Because selling claw hammer is a normal business behavior, A does not constitute the accomplice of the crime of intentional injury.

D. A tried to persuade her husband B (state personnel) to accept bribes of C, but B firmly opposed. So, A gave a free hand to accept the sum of bribes. A constitutes the indirect principal offender of the crime of bribery.

14. In terms of offence of bribery, which of the following options is correct?

A. A was a common teacher in a public university. A taking advantage of his position accepted 100,000Yuan from the parents of an examinee when he was appointed by the university to enrol new students. A's act constitutes offence of bribery.

B. B was the deputy director of a state-owned hospital. B accepted 100,000 Yuan from the medicine sale representative and promised to prescribe more this kind of medicine to patients. B's act constitutes offence of non-state functionaries' bribery.

C. C was the dean of village committee. During the bid of collectively-owned enterprise, C taking advantage of his position accepted 100,000Yuan from others and sought profits for them. C's act constitutes offence of non-state functionaries' bribery.

D. D was a causal labour of a state-owned company. D colluded with the deputy manager of the company to accept 100,000Yuan kickback. D's act constitutes offence of bribery.

15. In terms of discontinuation of crimes, which of the following options is correct?

A. A intended to kill B. A ambushed beside the road and shot at B but missed. A still got bullets in his gun, but he feared of the death penalty of offence of murder. So, A stopped shooting. A's act constitutes discontinuation of crimes.

B. A intruded into another person's house for robbery and saw the documentary on TV in the sitting room in terms of court sentencing, and suddenly realized that criminals should be punished with criminal punishments. Hence, A apologized to the victims and left. A's act constitutes discontinuation of crimes.

C. A sneaked in B's house with the intent of stealing huge amount of cash. However, when A found large amount of jewellery in the house, A abandoned the intent of stealing cash and only stole the jewellery. With regard to stealing cash, A's act constitutes discontinuation of crimes.

D. A poisoned B's food and B couldn't stop vomiting. A repented and immediately drove B to hospital. However, one hour was delayed due to a traffic accident on the way to hospital. B died when B was sent to the hospital. According to the doctor, B would not die if B was sent to hospital half an hour earlier. A's act still constitutes discontinuation of crimes.

16. With regard to the understanding and constitution of the crime of fraud, which of the following options is wrong?

A. A had lent his friend B 10,000 yuan. B did not take the IOU back when repaying the money. A year later, A deliberately required B to repay the money with the IOU. B knew well but gave A another 10,000 yuan out of consideration of A's feelings. Although A got another 10,000 yuan, but his act cannot constitute the consummated crime of fraud.

B. A found that B went abroad, and his house was uninhabited. So, A forged real estate license and rent the house to C for a year collecting rental fees 20,000 yuan. A’s act constitutes the crime of fraud.

C. After treating his friends (meals bill 10,000 yuan), A found that he did not take any money. So, he lied to the restaurant manager that he will pay the bill after bidding farewell to the guests. The manager believed, and A took the opportunity to escape. No matter how to understand disposition awareness, A's act should be punished for the crime of fraud.

D. B spent 20,000 yuan to purchase counterfeit money from A and later found they were a bunch of white paper. Since the purchase of counterfeit money is illegal, B is not a victim of fraud. Thus, A’s act does not constitute the crime of fraud.

17. Which of the following acts belongs to the crime of theft (without regard to the amount)?

A. Students at a certain university are accustomed to entering a university cafeteria using a mobile phone, wallet and other items to occupy a seat and then go buy food. A took away student B’s wallet that was used to occupy a seat.

B. B entered into a noodle shop and placed his phone on vacant table No. 6 in the hall to occupy a seat, and then went to the place close the window to see if there was more appropriate place to seat. A who was eating noodles on table No. 7 took the phone away.

C. B left his suitcase in the trunk of a taxi. A took the taxi after that and also put his own suitcase into the trunk. When A got off the taxi, he took away his own suitcase along with B’s suitcase.

D.B’s whole family went out for work and entrusted the neighbor A to take care of their house. Someone came to the village to buy trees. A lied that the trees on the hill belonging to B’s family were his own trees and sold those trees to the buyer and got 30,000 yuan.

Directions: In this section, you are to choose at least one appropriate answer to each question. This section contains question18-21, 2 points for each question, and a total of 8 points.

A was a department manager of a state-owned company. Businessman B knew that A was in charge of huge amounts of money, so B roped A in with small favors. After that, B induced A to embezzle public funds to him for the excuse that his business needed funds. Then B and A designed jointly the way of embezzlement and also gave A commission of $ 50,000 yuan. A lent B one million yuan without the approval of company board. After getting the large sums of money, B told bank clerk C the true source of the money. C provided financial accounts for B, and B withdrawn money at any time for drug trafficking. Under the urging of A one year later, B returned 300,000 yuan, but later B refused to meet A. A felt hopelessly to recover the remaining 700,000 yuan so that he absconded carrying 300,000 yuan that B returned. A squandered 300,000 yuan within six months, so he surrendered to the judiciary in a desperate situation. A confessed that he embezzled public funds to B, accepted bribes of B and absconded with the money. A also provided clues to help the judiciary to bring B to justice. After brought to justice, B confessed the crime of bribery, and the crime of drug trafficking that the judiciary has not yet known. Please answer question 18-21.

18. In terms of A’s act, which of the following statements is/are correct?

A. A’s act of embezzling public funds to B for personal use belongs to embezzlement for seeking profits.

B. A did not know that B embezzled public funds for criminal activities, so A and B’s acts do not constitute the joint crime of embezzlement of public funds.

C. A’s act of absconding with 300,000 yuan of public funds constituted the crime of corruption.

D. A’s act should be concurrently punished for the crimes of embezzlement of public funds, bribery, and corruption.

19. In terms of B’s act, which of the following statements is/are correct?

A. B's act belongs to embezzlement of public funds for illegal activities.

B. A and B do not constitute the joint crime of embezzlement of public funds.

C. A’s act constituted the crime of corruption due to B’s returning 300,000 yuan of public funds, so B constituted the accessory of the crime of corruption.

D. B’s act should be concurrently punished for the crimes of embezzlement of public funds, offering bribes and drug trafficking.

20. With regard to A’ act after voluntary surrender and B’s act after being brought to justice, which of the following statements is/are correct?

A. That A was forced to surrender in a desperate situation should not be identified as voluntary surrender.

B. A’s act of providing the clue that resulted in the capture of B belongs to performing meritorious service.

C. B’s act constituted voluntary surrender of the crime of drug trafficking.

D. B’s act does not constitute voluntary surrender of the crime of bribery.

21. A ground off the inscription of "three years of Republic of China" at the bottom of a kettle and put the kettle on sale in his antique shop. Someday, Qian saw this kettle and misunderstood it was an antique made in Ming Dynasty. A said the kettle was indeed an antique of Ming Dynasty. Qian believed A and bought the kettle. Regarding whether A's act constitutes offence of fraud, which of the following options is/are incorrect?

A. A's act constitutes offence of fraud.

B. Qian was in fault, so A's act can't constitute offence of fraud.

C. Qian had already misunderstood that the kettle was an antique of Ming Dynasty, so A didn't swindle Qian.

D. There are risks in the investment of antiques and hence there is no fraud in the transactions of antiques. So, A's act can't constitute offence of fraud.

Directions: In this section, you are to analyze two cases. This section contains question 22-23, 36 points for question 22, 32 points for question 23, and a total of 68 points.

22. (36 points)

Facts of the case: The defendant Mr. Zhao and the victim Mr. Qian has entered into partnership (they had no debtor-creditor relationship). Through technical means, Mr. Zhao transferred 90,000 yuan deposited in the passbook of Mr. Qian to his own account (no cash out) on May 23, 2009. Mr. Qian inquired the bank to know the truth and asked Mr. Zhao to repay him 90,000 yuan.

On June 26 in the same year, Mr. Zhao made an appointment with Mr. Qian to meet up behind the pumping station in the west side of a bridge, and the two had a dispute. Mr. Zhao took into his head to kill Mr. Qian, and suddenly strangled Mr. Qian’s neck and put his hand over Mr. Qian’s nose and mouth, causing Mr. Qian’s coma. Mr. Zhao thought Mr. Qian had died, so he tied Mr. Qian’s "body" with heavy stones and dumped it into the river.

In the early morning of June 28, Mr. Zhao put the threatening letter on the doorstep of Mr. Qian’s house and lied that Mr. Qian was kidnapped. Mr. Zhao let Mr. Qian’s wife Mrs. Sun (a state-owned enterprise cashier) take 200,000 yuan to a bridge for ransom, and if Mrs. Sun called the police he will kill Mr. Qian. Mrs. Sun dared not call the police, but she only had 30,000 yuan in hands. So, she took out 170,000 yuan from the unit safe before going to work and rushed to the bridge carrying 200,000 yuan. After Mr. Zhao with a mask on received 200,000 yuan, he claimed that Mrs. Sun would see her husband after 2 hours.

In the afternoon of June 28, Mr. Qian's body was found (the forensic analysis shows Mr. Qian died of drowning). Mr. Zhao thought the crime will be brought to light sooner or later, so he surrendered to the public security organs on June 29. Mr. Zhao truthfully confessed all of the above crimes and gave the extorted 200,000 yuan to the police officers (the police officers returned 200,000 yuan to Mrs. Sun, and Mrs. Sun repaid the

170,000 yuan to the corporation on August 3). After listening to police officer Mr. Lee's casual remarks that "Your offense is not a light one", Mr. Zhao worried he would be sentenced to death, so he fled to other places. In the process of being wanted, Mr. Zhao had no money to treat his serious illness, so he surrendered to the local public security organs, and again truthfully confessed all his crimes.

Questions:

(1) What is the nature of Mr. Zhao's act of transferring Mr. Qian's 90,000-yuan deposit money to his own account? And why?

(2) What is the fact that Mr. Zhao caused the death of Mr. Qian called in the theories of criminal law? How many handling suggestions to this situation are there in the theories of criminal law? What's your opinion? And why?

(3) What is the nature of Mr. Zhao's act of asking for 200,000 yuan from Mrs. Sun? And why?

(4) Shall Mr. Zhao's act constitute voluntary surrender? And why?

(5) Shall Mrs. Sun's act of taking out 170,000 yuan from the company safe constitute a crime? And why?

23. (32 points)

Facts of the case: Mr. Xu was the manager of the state-owned Yellow River Trading Company in a city, and Mr. Gu was the deputy manager of the company. In 2005, the Yellow River Trading Company reformed its property rights system restructuring the state-owned company into a management holding company. Among them, Mr. Xu, Mr. Gu and other 15 cadres and workers accounted for 40%, 30%, and 30% of the shares respectively. In the process of restructuring, the state-owned assets management department commissioned an asset assessment firm to assess the assets of the Yellow River Trading Company. The asset assessment firm assigned Mr. Zhou to specifically participate in the assessment. During the assessment, Mr. Xu and Mr. Gu knew well that the one million yuan in the payable account of the company was nominal in order to hand

over less profits. Mr. Xu and Mr. Gu discussed with other leadership members and decided to conceal and transfer the one million yuan to the restructured company and then allocated to individuals according to the shares. When Mr. Zhou found the problem of one million yuan payables, the company leading group decided to give Mr. Zhou 10,000 yuan taken from other public funds of the company in the name of trouble fees. After accepting the trouble fees, Mr. Zhou issued an assessment report which concealed one million yuan false payables. Subsequently, the state-owned assets management department approved the company's restructuring program after discussion. Before conducting property transfer procedures, Mr. Xu and other people were reported and brought to justice.

Questions:

(1) Do Mr. Xu and Mr. Gu constitute the crime of corruption or the crime of privately dividing state-owned assets? And why?

(2) How to calculate the amount of crime of Mr. Xu and Mr. Gu? And why?

(3) Do Mr. Xu and Mr. Gu constitute a consummated crime or an attempted crime? And why?

(4) Does the act of offering Mr. Zhou 10,000 yuan constitute a unit crime of bribery or an individual crime of bribery? And why?

(5) Shall Mr. Zhou’s act be concurrently punished for the crimes of non-national personnel bribery and providing false certificates? And why?

(6) Does Mr. Zhou constitute the accomplice of the crimes of Mr. Xu and Mr. Gu? And why?

Appendix D. Pre- and Post-test Content Validity Rating Form

Instructions. The items that follow are being considered for inclusion in the pre- and post-test. Please assist us in reviewing the content of the items by providing two ratings for each item. The conceptual definitions of the categories these items are supposed to reflect as well as the rating instructions are listed below.

Categories	*Conceptual Definition*
1. Interpretation of Criminal Law	Interpretation of criminal law refers to the clarification of the rules embedded in the criminal code, including legislative interpretation, judicial interpretation, and doctrinal interpretation; grammatical interpretation and logical interpretation; and amplified interpretation, restrictive interpretation, and analogy interpretation.
2. Subjective Aspects of Crime	Subjective aspect of crime denotes the mental attitude of the subject of the crime to his/her harmful act and harmful consequences to the society, encompassing criminal intent, criminal negligence, accident, as well as the cognitive errors in criminal law.
3. Omission in Criminal Law	Omission refers to such a situation that an actor who has obligations to make a specific positive act and also possesses the ability to fulfil it didn't make such an act, including the sources of obligations to act and the types of omission.
4. Causality in Criminal Law	Causality in criminal law means the relationship of causing and being caused between harmful act and harmful consequences, involving causality in fact and causality in law; conditioning theory and considerable causality; intervening factor and the judgement of considerable causality.
5. Legitimate Defence	Legitimate defence denotes a countermeasure that involves defending the interests of State and society, and the personal rights, property, and other rights of oneself or others from ongoing unlawful offense. Legitimate defence that harms the offender is the act being exempted from criminal responsibilities.
6. Joint Crime	Joint crime refers to the crime intentionally committed by two or more actors, including principal offender, accomplice, coerced accomplice, abettor, one-sided joint crime and their liabilities.
7. Stopped Pattern of Intentional Crime	Stopped pattern of intentional crime involves the various patterns stopped due to subjective or objective reasons in the process and stages of commencing, developing, and consummating of

	direct intentional crime, encompassing preparation for a crime, attempted crimes, discontinuation of crimes, and consummated crimes.
8. Imaginative Coincidental Offense	Imaginative coincidental offense refers to a criminal act which infringes several criminal objects and could be facing several distinct charges imaginatively, involving the differences between imaginative coincidental offense and the overlap of articles of criminal law.
9. Implicated Offense	Implicated offense denotes such a criminal pattern that several criminal acts committed for a single criminal purpose have such implicated relationship as between means and end or cause and consequences and could be facing several charges theoretically.
10. Voluntary Surrender	Voluntary surrender means an authentic confession of one's own crime to the public security organ, judicial authority, or other relevant organs on a voluntary basis, including general surrender and quasi-surrender; the differences between voluntary surrender and confession.
11. Meritorious Performance	Meritorious performance involves such acts that criminals disclose others' crimes which are verified to have already happened or provide critical clues through which a case has been cracked, including assisting judicial authority to arrest other suspects and so on.
12. Offence of Intentional Homicide	Intentional homicide refers to the intentional act of illegally depriving others' lives, encompassing instigating or assisting others' suicide, euthanasia; and the boundary between intentional homicide and relevant crimes (e.g., false imprisonment and torture interrogation).
13. Offence of Intentional Harm	Intentional harm involves doing unlawful harm to others' health intentionally to a severe extent, including doing harm to others' health based upon promises; the boundary between intentional homicide and intentional harm; and the special provisions in criminal law regarding forcible selling blood and organizing the selling of human organs.
14. Offence of Kidnapping	Kidnapping denotes an unlawful act of kidnapping others for purpose of extortion or as hostages, involving the boundary between kidnapping and false imprisonment, blackmail and extortion, and robbery.
15. Offence of False Imprisonment	False imprisonment refers to the acts of unlawfully depriving others' personal liberty through custody, confinement, or other forcing methods, encompassing the implicated offense or imaginative coincidental offense between false imprisonment and intentional homicide, intentional harm, and torture interrogation.

16. Offence of Larceny	Larceny denotes the acts of stealing a relatively large amount of public or private property, or repetitious theft, burglary, theft with a lethal weapon, or pocket-picking, for the purpose of unlawful possession, including the consummation criteria of larceny; the coincidence between larceny and offense of destroying electrical power unit; the boundary between larceny and conversion of property.
17 Offence of Fraud	Fraud involves defrauding a relatively large amount of public or private property through fabricating facts or suppressing the truth for the purpose of unlawful possession, including the boundary between fraud and swindle by false pretence; the overlap of articles of criminal law between fraud and credit card fraud, financial fraud, and load fraud.
18. Offence of Robbery	Robbery refers to the acts of forcibly robbing public or private property on the spot through violence, coercion, or other methods for the purpose of unlawful possession, encompassing the consummation criteria of robbery; the boundary between robbery and intentional homicide, forcible seizure, blackmail and extortion, and kidnapping; the recognition of transformed robbery.
19. Offence of Forcible Seizure	Forcible seizure denotes the acts of publicly snatching a relatively large amount of public or private property or snatching repeatedly for the purpose of unlawful possession, involving the boundary between forcible seizure and robbery, and larceny; the transformation between larceny and forcible seizure.
20. Offence of Graft	Graft involves unlawful possessing public property through invalid occupation, stealing, fraud or other methods, taking advantage of the position, committed by functionaries in state organs or persons deputed by state-owned firms, enterprises, public institutions, or people's organizations to manage and operate state-owned property.
21. Offence of Embezzlement	Embezzlement refers to embezzling public money for personal use, or for unlawful actions, or embezzling a relatively large amount of public money for profits, or embezzling a relatively large amount of public money and not returning the money over three months, committed by functionaries in state organs taking advantage of their position, including the boundary between embezzlement and diversion of funds, or diversion of specified money and goods.
22. Offence of Bribery	Bribery denotes the acts of demanding others' property, or unlawful accepting others' property and seeking profits for the bribers, committed by functionaries in state organs taking advantage of their position.

23. Offence of Offering Bribes	Offering bribes involves offering property to functionaries in state organs for seeking wrongful profits, encompassing offering bribes to influential persons, introducing bribery, and units offering bribes.
24. Offence of Harbouring	Harbouring refers to the acts of providing criminals known obviously with cache, property to assist their absconding, or harbouring criminals by giving false proofs, involving the boundary between harbouring and perjury, aiding a client to destroy or forge evidence, and bending the law for self-seeking.
25. Others	Not included in above categories.

RATING TASKS

A. Please indicate the category that each item best fits by circling the appropriate numeral. (Items not fitting any category should be placed in Category 25)

B. Please indicate how strongly you feel about your placement of the item into the category by circling the appropriate number as follows:

3 no question about it

2 strongly sure

1 not very sure

Statements	**Categories**	**Rating**
1. Item 1	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
2. Item 2	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
3. Item 3	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
4. Item 4	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3

5. Item 5	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
6. Item 6	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
7. Item 7	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
8. Item 8	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
9. Item 9	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
10. Item 10	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
11. Item 11	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
12. Item 12	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
13. Item 13	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
14. Item 14	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
15. Item 15	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
16. Item 16	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
17. Item 17	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
18. Item 18	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
19. Item 19	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
20. Item 20	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
21. Item 21	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
22. Item 22	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3
23. Item 23	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3

Appendix E. The Probability of a Minimally Competent Student Correctly Answering Each Item of the Tests

Instructions. The items that follow are being considered for inclusion in the pre- and post-test. Please assist us in estimating the probability of a minimally competent student correctly answering each item by circling the appropriate percentage as follows.

Items	Judges' Estimates
Item 1	10% 20% 30% 40% 50% 60% 70% 80% 90% 100%
Item 2	10% 20% 30% 40% 50% 60% 70% 80% 90% 100%
Item 3	10% 20% 30% 40% 50% 60% 70% 80% 90% 100%
Item 4	10% 20% 30% 40% 50% 60% 70% 80% 90% 100%
Item 5	10% 20% 30% 40% 50% 60% 70% 80% 90% 100%
Item 6	10% 20% 30% 40% 50% 60% 70% 80% 90% 100%
Item 7	10% 20% 30% 40% 50% 60% 70% 80% 90% 100%
Item 8	10% 20% 30% 40% 50% 60% 70% 80% 90% 100%
Item 9	10% 20% 30% 40% 50% 60% 70% 80% 90% 100%
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Item 19	10% 20% 30% 40% 50% 60% 70% 80% 90% 100%
Item 20	10% 20% 30% 40% 50% 60% 70% 80% 90% 100%
Item 21	10% 20% 30% 40% 50% 60% 70% 80% 90% 100%
Item 22	10% 20% 30% 40% 50% 60% 70% 80% 90% 100%
Item 23	10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

Appendix F. The Relationship between the Items of the Tests and the Desired Graduate Attributes

Instructions. Please indicate one or more desired graduate attributes that students could use to figure out each item in the pre- and post-test by circling the appropriate number as follows:

1 Knowledge of the main concepts, principles, rules, systems and theories in the core areas of criminal law
2 A capacity to think critically, strategically and creatively including an ability to identify and articulate legal issues, apply reasoning and research, engage in critical analysis and make reasoned choices
3 Highly developed written communication skills
4 Other graduate attributes in the checklist

Items	Desired Graduate Attributes			
Item 1	1	2	3	4
Item 2	1	2	3	4
Item 3	1	2	3	4
Item 4	1	2	3	4
Item 5	1	2	3	4
Item 6	1	2	3	4
Item 7	1	2	3	4
Item 8	1	2	3	4
Item 9	1	2	3	4
Item 10	1	2	3	4
Item 11	1	2	3	4
Item 12	1	2	3	4
Item 13	1	2	3	4
Item 14	1	2	3	4
Item 15	1	2	3	4
Item 16	1	2	3	4
Item 17	1	2	3	4
Item 18	1	2	3	4
Item 19	1	2	3	4
Item 20	1	2	3	4
Item 21	1	2	3	4
Item 22	1	2	3	4
Item 23	1	2	3	4

Appendix G. Lesson Plan Exemplar Based on Lecture Method-Control Group

Lesson 2: Omission and Causality in Criminal Law

Group	Control
Time	Week 2
Duration	Two hours

Introduction of Teaching Content

- Differences between omission and act
- Character of Omission being a type of action
- Sources of the obligation to act for omission
- Causality in criminal law
- Theory of condition and considerable causality in criminal law

Learning Aims

At the end of this lesson, students should be able to:

- distinguish omission from act
- understand the character of omission being a type of action
- understand the sources of the obligation to act for omission
- grasp the types of omission
- apply the theory of omission to analyze and resolve relevant cases
- distinguish between causality in fact and causality in law
- understand the subjectivity of causality in criminal law
- grasp the skills to identify causality in real cases

Attributes Trained

- knowledge of the key concepts in criminal law such as omission and causality
- skill of logical reasoning
- skill of critical thinking

- skill of analyzing cases
- skill of oral communication

Teaching Methods

- lecture method

Learning Materials needed

- textbook "Criminal Law (7th edition)", Page 67 to 71 and Page 77 to 81
- Chinese Panel Code and relevant judicial interpretations
- handouts

Suggested Resources

- Xiong, X.G. (1992). Research on omission in criminal law. *Ren Min Si Fa,6*, 22-24.
- Zhou, G.Q. (2005). Causality in criminal law and objective imputation. *Jiang Hai Xue Kan, 3*, 119-124.

Teaching Procedures

Theme 1: Omission in Criminal Law (60 minutes)

- lecture on the concept, character, types, and theories in terms of omission in criminal law (**40 minutes**)
- distribute Handout 1 and require students to answer the questions in Handout 1 in ten minutes (**10 minutes**)
- randomly ask several students to analyze the cases in Handout 1 and then explain to students the correct answers to the questions in Handout 1(**10 minutes**)

Theme 2: Causality in Criminal Law (60 minutes)

- lecture on the concept, subjectivity, intervening factor, condition and considerable theories in terms of causality in criminal law (**40 minutes**)
- distribute Handout 2 and require students to answer the questions in Handout 2 in ten minutes (**10 minutes**)
- randomly ask several students to analyze the cases in Handout 2 and then explain to students the correct answers to the questions in Handout 2(**10 minutes**)

Lecture Materials

Theme 1: Omission in Criminal Law

Omission in Criminal Law

Omission refers to such a harmful action that an actor who has legal obligations to make a specific positive act and possesses the ability to fulfil it didn’t make such an act. First of all, obligations denote the position people possesses in a certain social relationship and the relevant responsibilities. Obligations could be categorized into legal obligations, ethical obligations, and conventional obligations. The obligations in relation to omission are primarily legal obligations and the legal obligations to make a specific positive act. Secondly, the actor's ability to fulfil the obligations should be taken into consideration. The law isn't inconsiderate and will not force people to fulfil obligations that they are not able to fulfil. Hence, it is imperfect to define omission as "should act but didn't act" and should be described in such an accurate way as "should act and could act but didn't act". Thirdly, omission in criminal law refers to the action which infringe social relationships protected by criminal law and hence is a type of harmful act. Ignoring this, omission in criminal law could be confused with generic omission, such as administrative omission and civil omission.

Characters of Omission Being a Type of Action

As the saying in criminal law goes, "no acts, no crimes". This proverb clarifies the important role acts play in the theories of criminal law. Opposite to acts, is omission another type of action? This has been the focus of controversy in action theory. Theorists of natural behavior directly analyzed act and omission on the standpoint of naturalism and held that omission is of no character of action because omission can't cause any changes to the outside world and hence can't be deemed as acts. Theorists of purpose behavior split into two groups—positive theory and negative theory—according to whether omission has purposiveness as acts do. While theorists of social behavior seek to find the super-ordinate concept of acts and omission, with an eye towards the social values of action, to explain the foundation of omission having characters of action. Theory of social behavior becomes the common views in current circles of criminal law. In a certain society, people form social relationships which have been confirmed by the law and hence constitute legal relationships whose core is the relationship between rights and obligations. Rights and obligations are just like the both sides of legal relationships, which are dependable and transferable to each other.

Actually, someone undertaking obligations constitutes the premise that others realize their rights. Also, exercising rights is based upon others' fulfilling their obligations. Thus, being a kind of action that publicly infringes others' rights, omission that someone does not fulfil. Obligations which he/she should do and could do is also a type of action. In this sense, omission has the same values as acts, which is the same negative values. This is the logical conclusion drawn from the regulative judgment of the society.

Obligations to act of omission crimes

Given that omission is not stipulated in Chinese Penal Code, the sources of obligations to act of omission crimes have to be clarified from the perspective of criminal law theories. Theoretically, the sources of obligations to act of omission crimes include the following aspects.

Obligations to act stipulated by the law. This is one of the primary sources of obligations to act of omission crimes, meanwhile this the requirements of the principle of "Nullum crimen sine lege" (i.e., no crime without law). In terms of pure omission crimes, the obligations to act are all stipulated by the law. "The law" here could not be subjected to amplified interpretation and only be interpreted as stipulated in criminal law or stipulated in other laws but confirmed by criminal law. An obligation only stipulated by other laws but without confirmation of criminal law could not become the obligation to act of omission crimes. For example, omission of violating civil law by not discharging debts could not constitute crimes due to not being stipulated by criminal law. Thus, obligations stipulated by the law should not be confined to those stipulated by criminal law, but also encompass the obligations stipulated by civil law, economic law, and marriage law and so on. For example, in the case of omission crime of murder by not feeding the supported, the obligation to act (duty of support) is not stipulated in criminal law but in marriage law.

Obligations to act required by position or profession. This means that someone who undertakes some job should bear obligations to make a specific positive act due to the requirements of his/her position or profession. For example, switch tenders bear the obligation to switch the railway when train's coming, policemen on duty bear the obligation to maintain the public order, and fire-fighters bear the obligation of fire-fighting. Time limits should be noted when identifying the obligations required by position or profession, which means only those cases happened in the time of on duty or in the time limit of provision or order could arouse the problem whether obligations required by position or profession were

fulfilled. Hence, doctors or fire-fighters on leave or off duty should not be required to bear obligations due to their position or profession.

Obligations to act aroused by legal acts. Legal acts refer to those acts that could arouse the generation, modification, and termination of legal relations. Legal acts could create some rights and a certain of obligations as well. Hence, obligations aroused by legal act are also one of the sources of obligations to act of omission crimes. In reality, the principal form of legal act is the act of contract. Contract could create a certain of obligations, but usually contracting parties not fulfilling the obligations of the contract just should take the responsibility of breach of contract and could not create obligations to act of omission crimes. However, only when the breach of contract severely impaired the social relations protected by criminal law, such an obligation could become the obligation to act of omission crimes. For example, babysitters in the term of contract should take good care of children. If an irresponsible babysitter did not take good care of a child and lead to an accident happened to the child, criminal responsibility of omission should be taken into consideration in accordance with the specific circumstances of the babysitter.

Obligations to act aroused by previous acts. The idea of obligations to act aroused by previous acts was first posed by Stubel (a German criminal jurist). In 1884, German precedent first confirmed that previous acts are the sources of the obligations to act as law and contract do. When the previous acts committed by the actor has already endangered the interests protected by criminal law, the actor should bear the obligation to make a specific act of eliminating risks. For example, if an adult took a child to hunt in a mountain, the adult should bear the obligation to protect the life and health of the child; namely, if a nursery teacher took children to play in a swimming pool, the nursery teacher should bear the obligation to ensure the security of the children. When identifying the obligations aroused by previous acts, the following questions could be worth of further exploration.

(a) Should previous acts be restricted to unlawful acts? If the previous act is not unlawful, could it arouse obligations to act and constitute an omission crime? Previous acts refer to such acts that have been committed previously and could endanger the interests protected by the law. As long as an act could endanger the legal interests of criminal law, it can be deemed as a previous act. Hence, previous acts could be either lawful acts or unlawful acts. For example, obligations to act could be aroused by such acts as "an adult taking a child to hunt in a mountain" and "a nursery teacher taking children to play in a swimming pool",

which are lawful acts, not unlawful acts. Certainly, not all lawful acts could be previous acts. For example, legitimate defence could also endanger attacker's life and hence endanger a certain of social relation. However, such a social relation is not protected by the law. Actually, the harmful consequences of legitimate defence have no characters of social harm as well as violation of criminal law. Thus, legitimate defence could not be a previous act.

(b) Could criminal acts constitute the previous acts? While criminal acts do endanger legitimate interests, we should not treat such matters in an undiscriminating manner because some criminal acts could be previous acts, but not all criminal acts could be. The following aspects could be taken into consideration. Firstly, did the criminal act endanger the social relation which is beyond the constitutive elements but also protected by criminal law? If the possible harmful consequences of such an endangered condition were just what the criminal pursued or were just one of the constitutive elements of such a crime, it is unnecessary to require the criminal to bear an obligation to eliminate the risks or prevent the harmful consequences. In terms of such an act, it should be punished according to the crime committed, for example, offence of intentional harm. Secondly, it should be considered the circumstances of aggregated consequential offence. Aggregated consequential offence refers to such a pattern of crimes that actor committed an act within the fundamental constitutive elements of the offence but resulted in an aggregated consequence beyond the fundamental constitutive elements of the offence, and hence criminal law stipulated aggregated punishment to such an act. In the case of aggregated consequential offence, the aggregated consequences should be judged in the corresponding aggregated consequential offence and the fundamental criminal act should not constitute a previous act. Lastly, on occasion that a criminal act constituted a previous act, the social relation infringed by the criminal act should be different from the one which was endangered by the criminal act. If both social relations were identical, it is unnecessary to constitute an omission crime in order to avoid repetitive judgments to the same act.

(c) Should previous acts be restricted to acts? That is whether omission could constitute a previous act. Omission in criminal law is also a type of action. Omission doesn't mean nothing, but an act not fulfilling the obligations or requirements of the law. Hence, omission could arouse a certain of endangered condition as an act could do. Actors need to bear the obligation to eliminate or avoid the risks aroused by their omission. Thus, no matter an act or omission, as long as it endangered the social relations protected by criminal law, the actor should bear the obligation to prevent the risks.

Types of omission crimes

According to the common views of criminal theories, omission crimes could be categorized into two groups: pure omission crimes and impure omission crimes.

Pure omission crimes. Pure omission crimes are also called genuine omission crimes and refer to those crimes which only could be constituted by omission. A small quantity of pure omission crimes is stipulated in Chinese Penal Code, which include: (a) Article 129: Offence of losing guns without report; (b) Article 313: Offence of refusing to carry out a decision or order made by courts; (c) Article 445： Offence of refusing to save or treat injured or sick servicemen during wartime, and so on.

Pure omission crimes have two characteristics: one is that only omission could constitute this type of crimes and acts could not; the other is that the obligations to act of pure omission crimes are all manifest and mainly stipulated by the law. For example, the obligations to pay tax stipulated by tax law, and the obligations of parents to raise children stipulated by marriage law and so on.

Impure omission crimes. Impure omission crimes are also called in-genuine omission crimes and refer to those crimes, which are usually committed through acts, committed in a manner of omission. For example, offence of intentional homicide could be committed not only by chopping with a sword or shooting with a gun, but also through refusing to breast-feed a baby and lead to its starving to death.

Impure omission crimes, as a type of omission crimes, should violate the specific legal obligations. But these obligations are not stipulated by criminal law and usually come from other laws or based upon specific legal facts. This is one of the most important differences between impure omission crimes and pure omission crimes. Also, the obligations to act of impure omission crimes should be in the possible range of public predictions to their acts.

Handout 1：Omission in Criminal Law

Multiple-Choice Questions:

1. In terms of the judgments about omission in criminal law, which of the following options is wrong?

A. A thief was attacked by several guard dogs when he climbed over a wall with an intent of theft. The master of the dogs thought the thief deserved to be bitten by the dogs and hence did not stop the dogs. Consequently, the thief was bitten by dogs to death. The master's act should constitute an omission crime.

B. B stabbed C with an intent of killing, but B regretted when he saw the pain C was suffering and intended to send C to a hospital. However, passer-by A persuaded B not to save C's life. So, B left, and C died. A's act should constitute the abettor of an omission crime.

C. A saw her son B (eight years old) was seizing C (three years old) by the throat, but A didn't stop her son because A was busy with cooking. When A finished cooking and found that C died of suffocation. A's act could not constitute an omission crime.

D. A found someone dropped into a deep well in a remote area. So, A found a rope to try to save the person. But when A threw one side of the rope into the bottom of the well, A found that person was just his old enemy B. Hence, A refused to pull out the rope and B died without help. A's act should not constitute an omission crime.

2. Which of the following options should constitute an omission crime?

A. A went to swimming in a lake and saw that Wu was swimming in the lake too. Suddenly, Wu had a cramp in the leg and asked for help from A who was the only person on-site. But A didn't help, and Wu drowned in the lake.

B. Female B refused the wooing of Zhou, but Zhou said:" If you refuse my wooing, I will commit suicide by jumping into the river." B knew clearly that Zhou probably jumped into the river, but B still disagreed. When Zhou jumped into the river, B didn't shout for help and Zhou drowned in the river.

C. C brought He to swimming in a reservoir. In order to show off his skills at swimming, C took He, who was not good at swimming, to deep water area and taught He how to swim. He suddenly sunk, and C was frightened and hurried to swim to the shore alone, but He drowned.

D. D invited Qin drifting on the river in a scenic spot. When the drifting raft made a turn, Qin's safety belt unfastened, and he dropped into the river. D didn't jump into the river to save Qin and Qin drowned.

Apply-to-all (≥2) Questions:

1. Regarding omission crimes, which of the following options are right?

A. A child drowned in a public swimming pool, but both his father A and lifeguard B didn't save the child intentionally. Both A and B's acts should constitute the omission crimes.

B. In the process of a divorce suit, husband misunderstood that he had no obligations to help his wife who fell into the water and lead to his wife' death of drowning. The husband's act should constitute a negligent omission crime.

C. A could save his mother's life from the fire, but A didn't do so in order to save his girlfriend' life. If there are no exempt excuses from crimes, A's act should constitute an omission crime.

D. A poisoned B's coffee, and saw B drinking several sips of the coffee and handed it to C. Being afraid of the exposure of his crime, A didn't prevent C from drinking the coffee. Hence, both B and C died. A's act to B should constitute an act crime while A's act to C should constitute an omission crime.

2. Regarding omission crimes, which of the following options are right?

A. Boatman A saw B falling into the river and helped B boarded on the boat. However, when A found B was his old enemy, A pushed B into the river again and resulted in B's drowning. A's act should constitute an omission crime.

B. A was the police commissioner of a county, and his wife B was the deputy director of the revenue of that county. When B accepted briberies at home, A knew it, but he didn't stop B. A's act didn't belong to the help as being a form of omission and should not constitute the accomplice of the offence of accepting bribery.

C. A accidently ran into a six years old child and lead to the child falling into the river. A intended to save the child, but B prevented A. Hence, A didn't save the child and the child drowned. Because only A should bear the obligation to save the child's life, B's act should not constitute a crime.

D. A brought home a foundling B, but he felt troublesome after several days' raising. So, A put B at the gate of a food market at night expecting that B could be took away and raised by someone the next morning. However, B frozen to death. A's act should constitute an omission crime.

3. Regarding omission crimes, which of the following options are right?

A. The master of a house pet intentionally didn't stop the pet when the pet biting a child and lead to the death of the child. The master's act should constitute the offence of omission intentional homicide.

B. A citizen found that a fire broke out of other's building and deliberately didn't call the police. The citizen's act should constitute the offence of omission arson.

C. Parents could prevent but deliberately didn't prevent their minor children's injurious acts. The parents' act should constitute an omission crime.

D. A huntsman in a desolate mountain found a foundling but didn't save the foundling. The huntsman's act should not constitute an omission crime.

Case Analysis

Facts of the case: On 16th July 2010, the accused Li and Zhang were informed that their four-day daughter was definitely diagnosed to be a syphilis carrier and would become a disable person after being cured. So, they decided to abandon their daughter. In the afternoon that day, Li abandoned his daughter in a vegetable garden. Because Li and Zhang worried

that the passers-by would find and take away their daughter, they decided to get their daughter back and put her in the area of near a reservoir where was a sparsely populated place. That night, Li found a woodland in a mountain on the way to the reservoir and abandoned his daughter there. The next morning, a villager went up the mountain for gathering mushrooms and found the Li's daughter alive. Hence, the villager saved the baby and called the police.

Question: How to determine the nature of the case? And give reasons for your point of view.

Appendix H. Lesson Plan Exemplar Based on Case Method-Experimental Group

Lesson 2: Omission and Causality in Criminal Law

Group	Experimental
Time	Week 2
Duration	Two hours

Introduction of Teaching Content

- differences between omission and act
- character of Omission being a type of action
- sources of the obligation to act for omission
- causality in criminal law
- theory of condition and considerable causality in criminal law

Learning Aims

At the end of this lesson, students should be able to:

- distinguish omission from act
- understand the character of omission being a type of action
- understand the sources of the obligation to act for omission
- grasp the types of omission
- apply the theory of omission to analyze and resolve relevant cases
- distinguish between causality in fact and causality in law
- understand the subjectivity of causality in criminal law
- grasp the skills to identify causality in real cases

Attributes Trained

- knowledge of the key concepts in criminal law such as omission and causality
- skill of logical reasoning
- skill of critical thinking
- skill of analyzing cases
- skill of oral communication

Teaching Methods

- case method

Learning Materials needed

- textbook "Criminal Law (7th edition)", Page 67 to 71 and Page 77 to 81

- Chinese Panel Code and relevant judicial interpretations
- lecture materials
- handouts

Suggested Resources

- Xiong, X.G. (1992). Research on omission in criminal law. *Ren Min Si Fa,6*, 22-24.
- Zhou, G.Q. (2005). Causality in criminal law and objective imputation. *Jiang Hai Xue Kan, 3*, 119-124.

Teaching Procedures

- require students to read lecture materials and try to analyze the cases in handouts (these materials will be distributed to every student before class) before class

Theme 1: Omission in Criminal Law (60 minutes)

- randomly ask some students to analyze the cases in relation to crimes of omission in Handout 1 and encourage students to brainstorm distinctive opinions on the cases (**20 minutes**)
- employ Socratic dialogue to ask students questions according to their analysis of the cases and lead them to find a way to correctly resolve the cases on their own and gradually acquaint them to the methods of analyzing cases (**35 minutes**)
- answer the questions which students have got in the process of reading the lecture materials regarding omission in criminal law before class (**5 minutes**)

Theme 2: Causality in Criminal Law (60 minutes)

- randomly ask some other students (try to give opportunities to every student to express their ideas) to analyze the cases relevant to causality in criminal law in Handout 2 (**20 minutes**)
- deploy Socratic dialogue to ask students questions according to their analysis of the cases and lead them to find a way to correctly resolve the cases on their own and make students deeply understand the rationale behind the cases (**35 minutes**)
- answer the questions which students have got in the process of reading the lecture materials regarding causality in criminal law before class (**5 minutes**)

Lecture Materials

Theme 1: Omission in Criminal Law

Omission in Criminal Law

Omission refers to such a harmful action that an actor who has legal obligations to make a specific positive act and possesses the ability to fulfil it didn't make such an act. First of all, obligations denote the position people possesses in a certain social relationship and the relevant responsibilities. Obligations could be categorized into legal obligations, ethical obligations, and conventional obligations. The obligations in relation to omission are primarily legal obligations and the legal obligations to make a specific positive act. Secondly, the actor's ability to fulfil the obligations should be taken into consideration. The law isn't inconsiderate and will not force people to fulfil obligations that they are not able to fulfil. Hence, it is imperfect to define omission as "should act but didn't act" and should be described in such an accurate way as "should act and could act but didn't act". Thirdly, omission in criminal law refers to the action which infringe social relationships protected by criminal law and hence is a type of harmful act. Ignoring this, omission in criminal law could be confused with generic omission, such as administrative omission and civil omission.

Characters of Omission Being a Type of Action

As the saying in criminal law goes, "no acts, no crimes". This proverb clarifies the important role acts play in the theories of criminal law. Opposite to acts, is omission another type of action? This has been the focus of controversy in action theory. Theorists of natural behavior directly analyzed act and omission on the standpoint of naturalism and held that omission is of no character of action because omission can't cause any changes to the outside world and hence can't be deemed as acts. Theorists of purpose behavior split into two groups—positive theory and negative theory—according to whether omission has purposiveness as acts do. While theorists of social behavior seek to find the super-ordinate concept of acts and omission, with an eye towards the social values of action, to explain the foundation of omission having characters of action. Theory of social behavior becomes the common views in current circles of criminal law. In a certain society, people form social relationships which have been confirmed by the law and hence constitute legal relationships whose core is the relationship between rights and obligations. Rights and obligations are just like the both sides of legal relationships, which are dependable and transferable to each other.

Actually, someone undertaking obligations constitutes the premise that others realize their rights. Also, exercising rights is based upon others' fulfilling their obligations. Thus, being a kind of action that publicly infringes others' rights, omission that someone does not fulfil obligations which he/she should do and could do is also a type of action. In this sense, omission has the same values as acts, which is the same negative values. This is the logical conclusion drawn from the regulative judgment of the society.

Obligations to act of omission crimes

Given that omission is not stipulated in Chinese Penal Code, the sources of obligations to act of omission crimes have to be clarified from the perspective of criminal law theories. Theoretically, the sources of obligations to act of omission crimes include the following aspects.

Obligations to act stipulated by the law. This is one of the primary sources of obligations to act of omission crimes, meanwhile this the requirements of the principle of "Nullum crimen sine lege" (i.e., no crime without law). In terms of pure omission crimes, the obligations to act are all stipulated by the law. "The law" here could not be subjected to amplified interpretation and only be interpreted as stipulated in criminal law or stipulated in other laws but confirmed by criminal law. An obligation only stipulated by other laws but without confirmation of criminal law could not become the obligation to act of omission crimes. For example, omission of violating civil law by not discharging debts could not constitute crimes due to not being stipulated by criminal law. Thus, obligations stipulated by the law should not be confined to those stipulated by criminal law, but also encompass the obligations stipulated by civil law, economic law, and marriage law and so on. For example, in the case of omission crime of murder by not feeding the supported, the obligation to act (duty of support) is not stipulated in criminal law but in marriage law.

Obligations to act required by position or profession. This means that someone who undertakes some job should bear obligations to make a specific positive act due to the requirements of his/her position or profession. For example, switch tenders bear the obligation to switch the railway when train's coming, policemen on duty bear the obligation to maintain the public order, and fire-fighters bear the obligation of firefighting. Time limits should be noted when identifying the obligations required by position or profession, which means only those cases happened in the time of on duty or in the time limit of provision or order could arouse the problem whether obligations required by position or profession were

fulfilled. Hence, doctors or fire-fighters on leave or off duty should not be required to bear obligations due to their position or profession.

Obligations to act aroused by legal acts. Legal acts refer to those acts that could arouse the generation, modification, and termination of legal relations. Legal acts could create some rights and a certain of obligations as well. Hence, obligations aroused by legal act are also one of the sources of obligations to act of omission crimes. In reality, the principal form of legal act is the act of contract. Contract could create a certain of obligations, but usually contracting parties not fulfilling the obligations of the contract just should take the responsibility of breach of contract and could not create obligations to act of omission crimes. However, only when the breach of contract severely impaired the social relations protected by criminal law, such an obligation could become the obligation to act of omission crimes. For example, babysitters in the term of contract should take good care of children. If a irresponsible babysitter did not take good care of a child and lead to an accident happened to the child, criminal responsibility of omission should be taken into consideration in accordance with the specific circumstances of the babysitter.

Obligations to act aroused by previous acts. The idea of obligations to act aroused by previous acts was first posed by Stubel (a German criminal jurist). In 1884, German precedent first confirmed that previous acts are the sources of the obligations to act as law and contract do. When the previous acts committed by the actor has already endangered the interests protected by criminal law, the actor should bear the obligation to make a specific act of eliminating risks. For example, if an adult took a child to hunt in a mountain, the adult should bear the obligation to protect the life and health of the child; namely, if a nursery teacher took children to play in a swimming pool, the nursery teacher should bear the obligation to ensure the security of the children. When identifying the obligations aroused by previous acts, the following questions could be worth of further exploration.

(a) Should previous acts be restricted to unlawful acts? If the previous act is not unlawful, could it arouse obligations to act and constitute an omission crime? Previous acts refer to such acts that have been committed previously and could endanger the interests protected by the law. As long as an act could endanger the legal interests of criminal law, it can be deemed as a previous act. Hence, previous acts could be either lawful acts or unlawful acts. For example, obligations to act could be aroused by such acts as "an adult taking a child to hunt in a mountain" and "a nursery teacher taking children to play in a swimming pool",

which are lawful acts, not unlawful acts. Certainly, not all lawful acts could be previous acts. For example, legitimate defence could also endanger attacker's life and hence endanger a certain of social relation. However, such social relation is not protected by the law. Actually, the harmful consequences of legitimate defence have no characters of social harm as well as violation of criminal law. Thus, legitimate defence could not be a previous act.

(b) Could criminal acts constitute the previous acts? While criminal acts do endanger legitimate interests, we should not treat such matters in an undiscriminating manner because some criminal acts could be previous acts, but not all criminal acts could be. The following aspects could be taken into consideration. Firstly, did the criminal act endanger the social relation which is beyond the constitutive elements but also protected by criminal law? If the possible harmful consequences of such an endangered condition were just what the criminal pursued or were just one of the constitutive elements of such a crime, it is unnecessary to require the criminal to bear an obligation to eliminate the risks or prevent the harmful consequences. In terms of such an act, it should be punished according to the crime committed, for example, offence of intentional harm. Secondly, it should be considered the circumstances of aggregated consequential offence. Aggregated consequential offence refers to such a pattern of crimes that actor committed an act within the fundamental constitutive elements of the offence but resulted in an aggregated consequence beyond the fundamental constitutive elements of the offence, and hence criminal law stipulated aggregated punishment to such an act. In the case of aggregated consequential offence, the aggregated consequences should be judged in the corresponding aggregated consequential offence and the fundamental criminal act should not constitute a previous act. Lastly, on occasion that a criminal act constituted a previous act, the social relation infringed by the criminal act should be different from the one which was endangered by the criminal act. If both social relations were identical, it is unnecessary to constitute an omission crime in order to avoid repetitive judgments to the same act.

(c) Should previous acts be restricted to acts? That is whether omission could constitute a previous act. Omission in criminal law is also a type of action. Omission doesn't mean nothing, but an act not fulfilling the obligations or requirements of the law. Hence, omission could arouse a certain of endangered condition as an act could do. Actors need to bear the obligation to eliminate or avoid the risks aroused by their omission. Thus, no matter an act or omission, as long as it endangered the social relations protected by criminal law, the actor should bear the obligation to prevent the risks.

Types of omission crimes

According to the common views of criminal theories, omission crimes could be categorized into two groups: pure omission crimes and impure omission crimes.

Pure omission crimes. Pure omission crimes are also called genuine omission crimes and refer to those crimes which only could be constituted by omission. A small quantity of pure omission crimes is stipulated in Chinese Penal Code, which include: (a) Article 129: Offence of losing guns without report; (b) Article 313: Offence of refusing to carry out a decision or order made by courts; (c) Article 445： Offence of refusing to save or treat injured or sick servicemen during wartime, and so on.

Pure omission crimes have two characteristics: one is that only omission could constitute this type of crimes and acts could not; the other is that the obligations to act of pure omission crimes are all manifest and mainly stipulated by the law. For example, the obligations to pay tax stipulated by tax law, and the obligations of parents to raise children stipulated by marriage law and so on.

Impure omission crimes. Impure omission crimes are also called in-genuine omission crimes and refer to those crimes, which are usually committed through acts, committed in a manner of omission. For example, offence of intentional homicide could be committed not only by chopping with a sword or shooting with a gun, but also through refusing to breast-feed a baby and lead to its starving to death.

Impure omission crimes, as a type of omission crimes, should violate the specific legal obligations. But these obligations are not stipulated by criminal law and usually come from other laws or based upon specific legal facts. This is one of the most important differences between impure omission crimes and pure omission crimes. Also, the obligations to act of impure omission crimes should be in the possible range of public predictions to their acts.

Handout 1：Omission in Criminal Law

Multiple-Choice Questions:

1. In terms of the judgments about omission in criminal law, which of the following options is wrong?

A．A thief was attacked by several guard dogs when he climbed over a wall with an intent of theft. The master of the dogs thought the thief deserved to be bitten by the dogs and hence did not stop the dogs. Consequently, the thief was bitten by dogs to death. The master's act should constitute an omission crime.

B．B stabbed C with an intent of killing, but B regretted when he saw the pain C was suffering and intended to send C to a hospital. However, passer-by A persuaded B not to save C's life. So, B left, and C died. A's act should constitute the abettor of an omission crime.

C．A saw her son B (eight years old) was seizing C (three years old) by the throat, but A didn't stop her son because A was busy with cooking. When A finished cooking and found that C died of suffocation. A's act could not constitute an omission crime.

D．A found someone dropped into a deep well in a remote area. So, A found a rope to try to save the person. But when A threw one side of the rope into the bottom of the well, A found that person was just his old enemy B. Hence, A refused to pull out the rope and B died without help. A's act should not constitute an omission crime.

2．Which of the following options should constitute an omission crime?

A．A went to swimming in a lake and saw that Wu was swimming in the lake too. Suddenly, Wu had a cramp in the leg and asked for help from A who was the only person on-site. But A didn't help, and Wu drowned in the lake.

B．Female B refused the wooing of Zhou, but Zhou said:" If you refuse my wooing, I will commit suicide by jumping into the river." B knew clearly that Zhou probably jumped into the river, but B still disagreed. When Zhou jumped into the river, B didn't shout for help and Zhou drowned in the river.

C. C brought He to swimming in a reservoir. In order to show off his skills at swimming, C took He, who was not good at swimming, to deep water area and taught He how to swim. He suddenly sunk, and C was frightened and hurried to swim to the shore alone, but He drowned.

D. D invited Qin drifting on the river in a scenic spot. When the drifting raft made a turn, Qin's safety belt unfastened, and he dropped into the river. D didn't jump into the river to save Qin and Qin drowned.

Apply-to-all (≥2) Questions:

1. Regarding omission crimes, which of the following options are right?

A. A child drowned in a public swimming pool, but both his father A and lifeguard B didn't save the child intentionally. Both A and B's acts should constitute the omission crimes.

B. In the process of a divorce suit, husband misunderstood that he had no obligations to help his wife who fell into the water and lead to his wife' death of drowning. The husband's act should constitute a negligent omission crime.

C. A could save his mother's life from the fire, but A didn't do so in order to save his girlfriend' life. If there are no exempt excuses from crimes, A's act should constitute an omission crime.

D. A poisoned B's coffee, and saw B drinking several sips of the coffee and handed it to C. Being afraid of the exposure of his crime, A didn't prevent C from drinking the coffee. Hence, both B and C died. A's act to B should constitute an act crime while A's act to C should constitute an omission crime.

2. Regarding omission crimes, which of the following options are right?

A. Boatman A saw B falling into the river and helped B boarded on the boat. However, when A found B was his old enemy, A pushed B into the river again and resulted in B's drowning. A's act should constitute an omission crime.

B. A was the police commissioner of a county, and his wife B was the deputy director of the revenue of that county. When B accepted briberies at home, A knew it, but he didn't stop B. A's act didn't belong to the help as being a form of omission and should not constitute the accomplice of the offence of accepting bribery.

C. A accidently ran into a six years old child and lead to the child falling into the river. A intended to save the child, but B prevented A. Hence, A didn't save the child and the child drowned. Because only A should bear the obligation to save the child's life, B's act should not constitute a crime.

D. A brought home a foundling B, but he felt troublesome after several days' raising. So, A put B at the gate of a food market at night expecting that B could be took away and raised by someone the next morning. However, B frozen to death. A's act should constitute an omission crime.

3. Regarding omission crimes, which of the following options are right?

A. The master of a house pet intentionally didn't stop the pet when the pet biting a child and lead to the death of the child. The master's act should constitute the offence of omission intentional homicide.

B. A citizen found that a fire broke out of other's building and deliberately didn't call the police. The citizen's act should constitute the offence of omission arson.

C. Parents could prevent but deliberately didn't prevent their minor children's injurious acts. The parents' act should constitute an omission crime.

D. A huntsman in a desolate mountain found a foundling but didn't save the foundling. The huntsman's act should not constitute an omission crime.

Case Analysis

Facts of the case: On 16th July 2010, the accused Li and Zhang were informed that their four-day daughter was diagnosed to be a syphilis carrier and would become a disable person after being cured. So, they decided to abandon their daughter. In the afternoon that day, Li abandoned his daughter in a vegetable garden. Because Li and Zhang worried that the

passers-by would find and take away their daughter, they decided to get their daughter back and put her in the area of near a reservoir where was a sparsely populated place. That night, Li found a woodland in a mountain on the way to the reservoir and abandoned his daughter there. The next morning, a villager went up the mountain for gathering mushrooms and found the Li's daughter alive. Hence, the villager saved the baby and called the police.

Question: How to determine the nature of the case? And give reasons for your point of view.

Appendix I. Lesson Plan Exemplar Based on Problem-Based Method-Experimental Group

Lesson 11: Offence of Bribery and Offence of Offering bribes

Group	Experimental
Time	Week 11
Duration	Two hours

Introduction of Teaching Content

- constitutive elements of offence of bribery
- boundary between offence of bribery and relevant crimes
- constitutive elements of the offence of offering bribes
- boundary between offence of offering bribes and relevant crimes

Learning Aims

At the end of this lesson, students should be able to:

- understand the constitutive elements of offence of bribery
- distinguish between offence of bribery and offence of bribery committed by non-government employees
- understand the constitutive elements of offence of offering bribes
- distinguish offence of offering bribes from offences of offering bribes to influential persons, introducing bribery, and units offering bribes
- apply the theories of offence of bribery and offering bribes to analyze and resolve real cases

Attributes Trained

- knowledge of the key crimes in criminal law such as offence of bribery and offering bribes
- skill of logical reasoning
- skill of critical thinking
- skill of analyzing and resolving cases
- skill of oral communication
- skill of team work

Teaching Methods

- problem-based method

Learning Materials needed

- handout

Teaching Procedures

Grouping (5 minutes)

- randomly divide the whole class into seven groups (7-8 persons per group) and then distribute handouts to every student (the content of handouts is a controversial case in relation to offence of bribery and offering bribes)

First Round Group Discussion (15 minutes)

- the first-round group discussion aims to identify the controversial issues to be resolved in relation to the case in the handout

Analyze and Resolve the Case Independently (**40 minutes**)

- each student independently searches relevant information and makes use of all sources to which could be resorted trying to analyze and resolve the case independently

Second Round Group Discussion (20 minutes)

- students bring back to the group the newly obtained knowledge in terms of offence of bribery and offering bribes as well as solutions to the case, and share with other group members their own opinions and critically evaluate other's point of views

Debate among Groups (30 minutes)

- each group elect a representative to debate with other groups that hold different views

Summary (10 minutes)

- the teacher summarizes the discussion on the case and answer students' questions in relation to offence of bribery and offering bribes

Handout--Offence of Bribery and Offence of Offering Bribes

【**Facts**】A was a deputy commissioner of a public security bureau. In the May of 2010, Zhang's case involving suspected in a crime of intentional harm was put one file for investigation in the public security bureau. And then Zhang was placed in criminal detention. Zhang's wife (Li) heard of that B was A's old comrade-in-arms and they had good relationships. So, Li found B and gave B 10,000 Yuan to ask for help to introduce A to her. And B accepted the money and agreed to help. Soon in a reunion party of old comrade-in-arms, B told Zhang's case to A and introduced Li to A. Later, Li came to A and asked A to accommodate to her husband and gave A 17,000 Yuan. A promised everything at that time. Later A forgot this thing due to a long-time business trip. Li waited for a long time without result. So, Li found A's wife C and gave C 40,000 Yuan and asked C to help her husband. Because A was in another city on a business trip at that time, C didn't contact A but directly called the captain of criminal police (D) and asked D to help in Zhang's case. However, D didn't "fix" the case, and Zhang was prosecuted to a district people's court involving suspected in a crime of intentional harm. Hence, Li found the wife (Zhao) of the chief justice (Huang) of that court and gave Zhao 200,000 Yuan asking for exoneration of Zhang. Then Zhao mentioned this thing to Huang, but Huang required Zhao to return the money to Li and Zhao did so. However, through Zhao's repeated persuasion, Huang deliberately made a verdict of not guilty to Zhang's case. One month later, Huang told Zhang that he wanted to buy a house in Qingdao and Zhang soon sent 200,000 Yuan to Huang. Huang accepted the money and later bought a house in Qingdao under his wife's name.

Question: how to deal with this case?

Appendix J. Lesson Plan Content Comparison Survey

Content Comparison of Two Types of Lesson Plans	**Identical**	**Similar**	**Divergent**
Lesson Plan 1			
Lesson Plan 2			
Lesson Plan 3			
Lesson Plan 4			
Lesson Plan 5			
Lesson Plan 6			
Lesson Plan 7			
Lesson Plan 8			
Lesson Plan 9			
Lesson Plan 10			
Lesson Plan 11			
Lesson Plan 12			

Appendix K. Lesson Plan Content Validation Survey

Chinese Criminal Law Lesson Plan	Category			Certainty			Relevance		
Instructions: *For each of the lesson plans listed below* *(1) Place ONE tick in the Category section to denote the Category you believe it to best represent.* *(2) Place ONE tick in the Certainty section to represent how certain you feel about your choice of category.* *(3) Place ONE tick in the Relevance section to indicate how relevant you feel each lesson plan is to your chosen category.*	Problem method	Case method	Traditional lecture method	Not very sure	Pretty sure	Very sure	Low relevance or no relevance	Somewhat relevant	Highly relevant
Lesson Plan 1									
Lesson Plan 2									
Lesson Plan 3									
Lesson Plan 4									
Lesson Plan 5									
Lesson Plan 6									
Lesson Plan 7									
Lesson Plan 8									
Lesson Plan 9									
Lesson Plan 10									
Lesson Plan 11									
Lesson Plan 12									

Appendix L. Interview Schedule

1. **Introduction**

   Briefly introduce the purpose of the interview.

2. **Teaching method(s) experienced**

   (a) What teaching method(s) did you experience in this course?

3. **Comparison of teaching method(s)**

   (b) What do you think of the teaching method(s) used in this course?

   (c) How are they different or similar to those you normally experience?

4. **Evaluation of the teaching method(s) deployed**

   (d) Did you like or enjoy the teaching method(s) used in this course? Why or why not?

   (e) What advantages do you think there were, if any, in the teaching method(s) used in this course?

5. **Suggestion on teaching method(s)**

   (f) How widely spread do you think these teaching method(s) should be used in law school?

Appendix M. Coding Dictionary for Control Group (using lecture method)

Topic	Theme	Code	Examples of Participants' Description
Topic 1: teaching method experienced		1.1. experienced lecture method	1. I experienced lecture method in the teaching intervention….
Topic 2: evaluation of the experienced teaching method	1. attitude to lecture method	2.1.1. positive attitude to lecture (prefer /like/accept/unnecessary to change)	1. I prefer the lecture method..... 2. I like lecture method.... 3. I can accept this method….
		2.1.2. negative attitude to lecture (prefer case method/doesn't like it very much)	1. I still prefer the case method 2. more interested in case method… 3. I didn't like it very much…
	2. the reason of preference of lecture method	2.2.1. get used to this method/taught by this method for a long time	1. I get used to/habitual to this method …. 2. I am familiar with this method... 3. I have been taught by this method from my primary school/ middle school....
	3. the characteristics of lecture method	2.3.1. teacher-centered class	1. Teacher's lecture predominated the class....
		2.3.2. students need to take notes	1. Students need to take notes....
		2.3.3. inactive class atmosphere	1. The atmosphere of the class was inactive.... 2. The teacher seldom asked students questions....
		2.3.4. all students answered the question together	1. At most times, all students answered the question together…

Topic	Theme	Code	Examples of Participants' Description
	4. advantages of lecture method	2.4.1. fast memorization	1. students could learn it quickly 2. suitable for memorization
		2.4.2. more direct, clear, and easy to understand legal knowledge	1. I think lecture method is more direct... 2. Lectures were clear and easy to understand for students… 3. Lecture method is good for law students to understand legal knowledge…
		2.4.3. more systematic than other methods	1. The knowledge taught this way could be more systematic than other methods…
		2.4.4. suitable for final examination	1. Lecture method is suitable for final examinations.
	5. disadvantages of lecture method	2.5.1. easy to forget the learning content	1. Students might forget the learning content… 2. forget it quickly... 3. take notes on papers not in mind…
		2.5.2. rare interaction between teacher and students	1. The interaction between teacher and students was rare… 2. one-to-one interaction between teacher and student was rare…
		2.5.3. boring and lack of attraction	1. The attractive moments of the lecture could rarely be seen….

Topic	Theme	Code	Examples of Participants' Description
			2. Students tend not to concentrate on the teaching content in the class… 3. If someone was not interested in the lecture, he/she would not listen to your lecture…
		2.5.4. go against improving self-directed learning ability	1. Lecture method went against improving students' self-directed learning capabilities... 2. seldom self-directed preview or review the learning content…
		2.5.5. go against improving law practicing skills	1. Lecture method went against improving students' law practicing skills… 2. valued more of the theories and disvalued legal practice…
	6. evaluation of the intervention	2.6.1. almost same as other law teachers' lecture	1. The lecture method you employed in the teaching intervention was almost same as the method used by other law teachers in our law school… 2. not different from other teachers' lecture method… 3. shared something in common with our law teachers' classes…
		2.6.2. more detailed and slightly difficult	1. You lectures provided more details but were a bit more difficult…

Topic	Theme	Code	Examples of Participants' Description
		2.6.3. suit for students who learned criminal law before	1. Your lectures suit for students who have learned criminal law before….
		2.6.4. insufficient interaction	1. The interaction between students and you was not enough…
		2.6.5. more real cases than other law teachers	1. Your lectures can be combined with more real cases than other law teachers…
		2.6.6. more comparison, induction, and summary	1. Your lectures are more of comparison, induction, and summary… 2. Teaching content was refined… 3. In each lesson you will lecture on two relative themes which could make us to compare them and would not feel confused….
Topic 3: suggestions on teaching methods	1. percentage (current/expected) of lecture method	3.1.1. current percentage of lecture method	1. Currently 90% of law teachers in our law school used lecture method…. 2. Currently 70% of our classes used lecture method… 3. I think the current 80% of lecture method could be decrease a little…

Topic	Theme	Code	Examples of Participants' Description
		3.1.2. expected percentage of lecture method	1. I hope 60% of our lessons are taught using lecture method while 40% of the lessons are taught using other teaching methods… 2. I hope the current 90% of lecture method could be decreased to 50% to 70%... 3. I hope the current 90% of lecture method could be decreased to 70%...
	2. suggestions on lecture method	3.2.1. hope to change current teaching method(lecture)	1. I hope some changes be made in teaching methods... 2. Because new teaching methods bring the feeling of freshness and hence are more attractive to students...
		3.2.2. increase interaction between teacher and students (discussion, answering questions, and case analysis in class)	1. I hope more interaction between teacher and students could be added into our class… 2. I expect more discussion, answering questions, and case analysis in class… 3. The lecture method could become better if supplemented with some case discussion… 4. I hope I could more participate in case analyses in class individually...
		3.2.3. lecture method should predominate the class	1. But the lecture method should predominate the classes…

Topic	Theme	Code	Examples of Participants' Description
		3.2.4. unacceptable and bored with one teaching method	1. It would be boring to use only one teaching method to give 18-week lectures… 2. It is unacceptable and boring for me to be taught in only one teaching method throughout the whole semester…
	3. suggestions on other teaching methods	3.3.1. two or more teaching methods combined	1. It would be better to combine lecture with other teaching methods… 2. I prefer multiple teaching methods could be combined to give lecture… 3. Law teachers should use a variety of teaching methods to deliver teaching content…
		3.3.2. two combined teaching methods are enough	1. As to me, too many teaching methods are not a good choice... 2. Two combined teaching methods are enough. Too many teaching methods are unnecessary….
		3.3.3. offer more legal practice classes or legal clinic	1. I suggest our law school could offer more legal practice classes or legal clinic, especially at junior or senior stage. This will be propitious for our future employment... 2. The lecture should be more combined with legal practice....

Topic	Theme	Code	Examples of Participants' Description
			3. I prefer the clinical method to be used in 20% to 30% of our classes...
		3.3.4. hold more moot court competition or course	1. More moot court competition should be held to enhance our case analysis skills…
		3.3.5. play a video relative to the teaching content	1. I hope law teachers could play a video relative to the teaching content… 2. It was good if the video was not too long…
		3.3.6. hope to attend a real court trial	1. I hope I could attend a real court case in every semester… 2. I hope I could more participate in legal practice, like attending a court trial, or interning at a law firm or court…

Appendix N. Coding Dictionary for Experimental Group (using case method and problem-based method)

Topic	Theme	Code	Examples of Participants' Description
Topic 1: teaching methods experienced		**1.1.** experienced case method and problem-based method	1. I experienced case method and problem method in the teaching intervention.
Topic 2: evaluation of the experienced teaching methods	1. attitude to case and problem-based methods	**2.1.1.** like both methods	1. I like both teaching methods...
		2.1.2. prefer case method	1. But I prefer case method because I couldn't concentrate when I conducted case analysis on my own using problem method… 2. In terms of problem-based method, I didn't like it very much…
		2.1.3. prefer problem-based method	1. I prefer the problem method because I like the process of resolving cases independently…
	2. the common characteristics of both methods	**2.2.1.** require more participation than lecture method	1. Compared with lecture method, more students' participation was needed for case method or problem method…
		2.2.2. showcase the self-directed learning ability of the students	1. My learning was self-directed, and the questions were identified and summarized on my own… 2. I had to find the materials needed for case analyses independently and studied them actively...
		2.2.3. trigger interest in criminal law	1. Previously I had no interest in criminal law, but now I found that criminal law was interesting after the intervention…

Topic	Theme	Code	Examples of Participants' Description
	3. the unique characteristics of case method	**2.3.1.** need preview before class	1. I also previewed the learning materials before class and reflected the learning content after class according to your requirement.... 2. If I didn't preview the learning materials before class, I would not follow the teacher's rhythm… 3. My preview was not attentive... 4. I prepared not very well before class due to no time for previews...
		2.3.2. could bear some questions in mind to attend the course	1. I could bear some questions in mind to attend your course, which pointedly deepened my understandings of specific legal knowledge...
		2.3.3. elicits knowledge from cases	1. Lecture method uses cases to testify the knowledge we have learned while case method elicits knowledge from cases... 2. Case method is different from lecture method in that students understand and apply knowledge through case analysis....
	4. the unique characteristics of problem-based method	**2.4.1.** find relative materials independently	1. We need to spend much time on finding relative materials independently… 2. looking for the answer of the problem independently...

Topic	Theme	Code	Examples of Participants' Description
		2.4.2. discuss with team members	1. I prefer problem method between these two methods in that I like discussion with classmates... 2. team members might focus on different aspects of the case and hence our opinions could be supplemented with each other...
		2.4.3. tests extemporary performance	3. Without any preview and preparation beforehand, this method tests our extemporary performance. This skill is very important for a lawyer…
	5. advantages of case and problem-based method	**2.5.1.** motivate students' enthusiasm and initiative	1 These methods could motivate our enthusiasm and initiative ... 2. The learning was positive when case method and problem method were used…
		2.5.2. easier to understand and memorize learning content through case analysis	1. The learning content became easier to understand and memorize through the process of case analysis... 2. could make me memorize the knowledge in deep-memory …
		2.5.3. could train practical skills of resolving cases	1. Our practical skills were trained through transferring knowledge into the practical skills of resolving real cases… 2. be closer to legal practice…

Topic	Theme	Code	Examples of Participants' Description
		2.5.4. could enhance sense of team-work	1. Through the problem method, our sense of team-work was enhanced…
		2.5.5. could improve oral communication skill	1. But our oral communication skill was improved through this process…
		2.5.6. became more confident than before	1. I became more confident than before… 2. I began to dare to express my ideas in the discussion…
		2.5.7. could enhance thinking skills (deep-thinking/ divergent thinking/ critical thinking/ thinking independently)	1. I think my skills of thinking independently and resolving problems have been enhanced... 2. I think these two teaching methods could train my divergent thinking. I can think of some points that I can't do originally… 3. My critical thinking skill was enhanced….
	6. disadvantages of case and problem-based method	**2.6.1.** not adapted to the methods in the beginning	1. I was not adapted to the case method in the beginning...
		2.6.2. higher requirements imposed on students	1. The problem method imposed higher requirements on us that we need to spend much time on finding relative materials independently…

Topic	Theme	Code	Examples of Participants' Description
			2. problem method imposed higher requirements on us that usually we had to think about how to analyze a case...
		2.6.3. collect materials blindly	1. I blindly collected materials for the problem on my own... 2. In terms of problem method, due to no preview, I deviated from the right direction when searching relative articles...
		2.6.4. some students couldn't comprehensively analyze a case on their own	1. I couldn't comprehensively analyze a case and might miss some knowledge points in the discussion when my knowledge storage relative to the problem was insufficient… 2. Sometimes I couldn't find the breakthrough point when analyzing cases…
Topic 3: suggestions on teaching methods	1. current and expected percentage of three teaching methods (i.e., lecture, case and problem-based method)	**3.1.1.** current percentage of three teaching methods	1. Currently only 10% of law teachers in our law school used case method... 2. From my experiences, there are no case method or problem method used in our law school… 3. Currently 80% of our courses used lecture method…

Topic	Theme	Code	Examples of Participants' Description
		3.1.2. expected percentage of three teaching methods	1. I hope 50% of our lessons are taught using lecture method while the other 50% of the lessons are taught using case method and problem method… 2. I suggest that our law school should enhance the percentage of case method and problem method, for instance case method 50%, problem method 30% and lecture method 20%...
	2. suggestions on three teaching methods (i.e., lecture, case and problem-based method)	**3.2.1**. using more case analyses in lecture	1. Actually, teaching techniques are more important for lecture-based course. I think more case analysis could be used in lectures… 2. Even in the lecture class, more case analysis should be added…
		3.2.2. lecture method should predominate the classes	1. I still think lecture method should predominate the classes because students could learn legal knowledge comprehensively and systematically when lecture method was used…
		3.2.3. three teaching methods could be combined to teach law	1. I suggest that multiple teaching methods including lecture, case, and problem could be combined in order to cater for various demands of students…
		3.2.4. the sequence of three teaching methods	1. However, this change should follow in proper sequence, for instance lecture first, then case method, and then problem method…

Topic	Theme	Code	Examples of Participants' Description
			2. During an 18-week semester, I wish there would be 9-week lectures, then 5-week using case method, and then 4-week using problem method…
		3.2.5. students voluntarily choosing teaching methods	1. Giving student autonomy to choose the method they like… 2. Students could choose their favorite teaching method voluntarily…
		3.2.6. unrealistic if deployed on a large-scale in law school	1. I don't think it is realistic that case method or problem method could be deployed on a large-scale in our law school… 2. It would become infeasible if the case method was used in all courses...
	3. suggestions on other teaching methods	**3.3.1.** offer more legal clinic and legal practice courses	1. I hope more legal clinic and legal practice courses could be offered in our law school…
		3.3.2. teach knowledge beyond textbook	1. The teaching content should not be restrained in the domain of the textbook and could be combined with other disciplines, for instance economics, to give interdisciplinary lectures…
		3.3.3. hold more criminal defense competition and moot court, or attend a court trial after class	1. But this could be supplemented by holding criminal defense competition or moot court after class…