

## 法律诊所课程教学大纲

| 课程基本信息 (Course Information)       |  |                          |   |                  |   |
|-----------------------------------|--|--------------------------|---|------------------|---|
| 课程代码<br>(Course Code)             | LA446  | *学时<br>(Credit Hours)    | 32  | *学分<br>(Credits) | 2 |
| *课程名称<br>(Course Name)            | (中文) 法律诊所<br>(英文) Legal Clinic   |                          |   |                  |   |
| 课程性质<br>(Course Type)             | 专业选修课  |                          |   |                  |   |
| 授课对象<br>(Audience)                | 本科、法特科班  |                          |   |                  |   |
| 授课语言<br>(Language of Instruction) | 中文   |                          |   |                  |   |
| *开课院系<br>(School)                 | 法学院  |                          |   |                  |   |
| 先修课程<br>(Prerequisite)            |  |                          |   |                  |   |
| 授课教师<br>(Instructor)              | 叶永禄  | 课程网址<br>(Course Webpage) | <a href="http://cc.sjtu.edu.cn/G2S/site/preview#/home/v?currentoc=7154">http://cc.sjtu.edu.cn/G2S/site/preview#/home/v?currentoc=7154</a> |                  |   |
| *课程简介 (Description)               | <p>法律诊所，又称诊所式法律教育、“临床法律教育”。系指仿效医学院学生在医疗诊所临床实习的做法，原则上在有执业资格的律师和教师指导之下，将法学专业学生置于“法律诊所”中，为处于生活困境而又迫切需要法律援助的人提供法律咨询，“诊断”其法律问题，开出“处方”。以此促进学生对法律理论的深入理解。</p> <p>法律诊所课程，是一门面向法学本科和研究生的实践类课程。法律诊所教学包括课堂讲授和校外实践两个部分。课堂讲授主要是对法律实务进行一些必要的培训</p> |                          |   |                  |   |

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|  | <p>在法律诊所教学中强调学生的主体性，学生直接面对当事人，帮助当事人解决实际问题，而指导老师只是有针对性地对学生在实践中遇到的问题进行启发性引导。法律诊所教学的优点就在于培养学生的职业技能和职业道德意识，特别是律师职业技能，以实现法学理论与法律实践的统一。</p>   |           |                     |              |                      |                    |
| <p>*课程简介 (Description)</p>                     | <p>Legal clinics, also known as clinic law education, refers to following the example of medical students in clinical practice, principally under the guidance of lawyers who have qualification and teachers, the law students in "legal clinic" provide legal advice to people who have difficulties in life and desperate need of legal aid, "diagnose" legal problems and issued a "prescription". This promotes students' deep understanding of legal theory.</p> <p>Legal clinic course is a practical class for law undergraduates and graduate students. The legal clinic teaching includes two parts: classroom teaching and after-school practice. Classroom teaching is mainly about some necessary training for legal practice; In legal clinic teaching emphasizes the subjectivity of the students, who directly in the face of the parties help them to solve practical problems, and the teachers just provide enlightening guidance for students in the problems pertinently. The advantage of legal clinic teaching lies in the cultivation of students' vocational skills and professional ethics, especially the professional skills of lawyers, to realize the unification of law theory and legal practice.</p> |           |                     |              |                      |                    |
| <p>课程教学大纲 (course syllabus)</p>                |   |           |                     |              |                      |                    |
| <p>*学习目标(Learning Outcomes)</p>                | <ol style="list-style-type: none"> <li>1. 通过法律诊所教育，培养学生的职业技能和职业道德意识，让学生学会“像律师一样思考”、“像律师一样做事”；</li> <li>2. 通过法律诊所教育，让学生客观深入地认识社会问题，培养学生公平正义的价值观；</li> <li>3. 通过法律诊所教育，培养学生的相互协作和团队精神。</li> </ol>   |           |                     |              |                      |                    |
| <p>*教学内容、进度安排及要求<br/><br/>(Class Schedule)</p> | <p>教学内容</p>   | <p>学时</p> | <p>教学方式</p>         | <p>作业及要求</p> | <p>基本要求</p>          | <p>考查方式</p>        |
|  | <p>第一讲<br/>走进诊所</p>   | <p>3</p>  | <p>讲授、学生<br/>互动</p> | <p>提交心得</p>  | <p>听课、课<br/>堂讨论积</p> | <p>考察课堂<br/>表现</p> |

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| & Requirements) |                      |   |         |       | 极发言         |          |
|                 | 第二讲<br>接待当事人的理论与技巧   | 3 | 讲授、学生互动 |       | 听课、课堂讨论积极发言 | 考察课堂表现   |
|                 | 第三讲<br>法律咨询的理论与技巧    | 3 | 讲授、学生互动 |       | 听课、课堂讨论积极发言 | 考察课堂表现   |
|                 | 第四讲<br>劳动法律咨询培训      | 3 | 讲授      |       | 听课、课堂讨论积极发言 | 考察课堂表现   |
|                 | 第五讲<br>婚姻家庭法律咨询培训    | 3 | 讲授      |       | 听课、课堂讨论积极发言 | 考察课堂表现   |
|                 | 第六讲<br>事实调查的理论与技巧    | 3 | 讲授、学生互动 |       | 听课、课堂讨论积极发言 | 考察课堂表现   |
|                 | 第七讲<br>法律研究的理论与技巧    | 3 | 讲授、学生互动 |       | 听课、课堂讨论积极发言 | 考察课堂表现   |
|                 | 第八讲<br>起诉、应诉的理论与技巧   | 3 | 讲授、学生互动 |       | 听课、课堂讨论积极发言 | 考察课堂表现   |
|                 | 第九讲<br>法庭质证、辩论的理论与技巧 | 3 | 讲授、学生互动 |       | 听课、课堂讨论积极发言 | 考察课堂表现   |
|                 | 第十讲                  | 3 | 讲授、学生   | 提交结项材 | 听课、课堂讨论积    | 考察课堂表现及结 |

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|---|--|--|----|---|-----|-----|
|   | 庭审指挥、控制的理论与技巧                          |  | 互动 | 料 | 极发言 | 项材料 |
|   | .....                                  |  |    |   |     |     |
| <b>*考核方式<br/>(Grading)</b>                            | 学生自主评定+团队评定+督导组综合评定（平时表现、学习效果、带教律师评价等） |  |    |   |     |     |
| <b>*教材或参考资料<br/>(Textbooks &amp; Other Materials)</b> | 许身健：《法律诊所》，中国人民大学出版社 2014 年出版          |  |    |   |     |     |
| 其它<br>(More)  |  |  |    |   |     |     |
| 备注<br>(Notes)   |  |  |    |   |     |     |

备注说明：

1. 带\*内容为必填项。
2. 课程简介字数为 300-500 字；课程大纲以表述清楚教学安排为宜，字数不限。