

**STRENGTHEN TRAINING SKILLS OF LAW PRACTICE AT THE HIGHER  
EDUCATION LEVEL IN VIETNAM**

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**ABSTRACT**

In recent years, with the trend of opening up, teaching laws and regulations for students has been done well for students at universities in Vietnam. However, in reality, employers (and enterprises still have to train working skills for staff who are newly graduated students. Therefore, it is necessary to provide Vietnamese students skills to practice law while they were still studying at universities. In the article, the authors address this problem and suggest some solutions to train practice law skills for students in the world that can be applied in Vietnam today. These findings have theoretical and practical contributions to strength training skills of law practice at the higher education level in Vietnam.

*Keywords: training skills; law practice; higher education; Vietnam*

**INTRODUCTION**

Due to the need of trained labour in law, in recent years, almost one hundred universities in Vietnam are established to offer law undergraduates (LL. B). In reality, employers mostly use graduated students after retraining of working skills to meet the actual requirements of jobs. Therefore, law training institutions have now tried to combine theory with practice, training more soft skills for students. In this article, the authors analyse the main issues and suggest solutions to improve practice skills for law graduates.

**LITERATURE REVIEW**

*Current status of law bachelor training in Vietnam*

For many years, in Vietnam, for many subjective and objective reasons, since the first law university of Vietnam was established in 1979 as Hanoi Legal University - now is Hanoi Law University, (later established Ho Chi Minh City Law University in the South and many law faculties of universities in all provinces nationwide), law training institutions in Vietnam mostly focuses on teaching law with sometimes dogmatic theories and lecturers often analyse and explain to students to understand written laws. Very few actual cases and judgments are included in the teaching content or, if given, often just a few small details that are not systematic.

One of the main reasons for this situation is that for a long-time people's courts kept and treated judgments as confidential, non-public documents and known only to those involved. Therefore, it is difficult for law lecturers to access the full contents of judgments as well as case files. Thus, the teaching is mainly theoretical, lacking practicality in common. The main teaching method is still lecturing; teachers talk and students listen and take notes. Although many law subjects have a large number of verdicts and decisions' courts that can be studied and taught, such as civil law, criminal law, labour law or marriage and family law, etc.

In 2005, the Vietnam Communist Party's Politburo issued Resolution 49-NQ / TW on Judicial Reform. One of the most important contents of this Resolution is to affirm "Step by step making the judgments public, except for criminal ones on crimes of infringing upon national security or related to fine traditions profanity." Recently, the selection of case development and declaration of case law was first regulated in the 2014 Law on Organization of the People's Court (revised). But until a few years ago, the fullness and comprehensiveness of the Court's judgments and decisions is still not an easy task. Recently, the use of judgments in law training and scientific research has shown positive signals, when the Supreme People's Court started to select and release to the public a number of decisions cassation, reopening, when there are many essays in the Journal of the People's Court, Journal of Legal Science and a number of other specialized journals, and there are a number of commentary books judgment. The publication of legally valid judgments and decisions is a useful job not only

for law research and training but also for law practitioners, lawyers, judges, prosecutors, court officials and procuracies. The publication of judgments also helps people and businesses understand the law more and can predict the results of solving similar cases arising.

The research and inclusion of judgments in the teaching content has been given more attention by law universities in recent year. Some Vietnamese law training institutions have built a system of case books and thesis commentary books in addition to the compiled textbooks and lecture sets. However, one of the differences and challenges of law training in Vietnam compared to developed countries is that every year, law schools in Vietnam, especially law faculties of multidisciplinary universities have been recruiting students training thousands of law bachelors, masters of law with easy conditions. It feels like anyone can go to Law University. This is far from the annual student enrolment of just over a hundred law school students in developed countries. Therefore, improving the quality of law training in Vietnam is facing great challenges due to the low quality of inputs and low awareness of learners' attitudes, while the quality of lecturers is generally still limited institutions, outdated teaching methods and inadequate facilities.

### **1. Research Methodology**

To do this research, the authors used and combined many methodologies such as data collection and analysis. Data methods included written reflection and focus group interviews, verify data gathered from secondary resource. Furthermore, the specific context of this study was described in this report to inform other researchers whether the findings of this study can apply to their setting.

Based on the hypotheses how to train law practice skills for students at universities, the authors uses the poll to survey the way that selected lecturers and learners at universities.

### **2. Findings and discussion**

Following are the major methodologies used in higher education in Vietnam:

#### ***4.1 Commencing to use court's decisions in teaching law***

Implementing the guidance in the Politburo's Resolution No. 48-NQ / TW dated May 24, 2005 on "Strategy for building and perfecting the Vietnamese legal system to 2010, with a vision to 2020" , Resolution No. 49-NQ / TW dated 02/6/2005 "On the strategy of judicial reform to 2020" of the Politburo on legal case development in Vietnam, dated 31/12/2012 The Supreme People's Committee has issued Decision No. 74 / QD-TANDTC approving the project "Developing the case of the Supreme People's Court" which addresses many basic legal issues such as objectives and views direction, direction and solutions. Institutionalizing the above point of view in the Party's Resolutions, Clause 3, and Article 104 of the 2013 Constitution stipulates: "The Supreme People's Court conducts the review of trial practice, ensuring uniform application of the law in trial". Clause 3, Article 20 of the 2014 Law on Organization of People's Courts provides more specific provisions on this task of the People's Court, emphasizing that the Judicial Council of the Supreme People's Court has the following duties and powers: " Selection of cassation rulings of the Judicial Council of the Supreme People's Court, legally effective, standard judgments and rulings of courts, review of case development for the Courts research, uniform application in trial ". These are important and meaningful legal bases for the construction, development and application of legal precedents in the court's adjudication activities in the coming time that the law training activities need to look ahead to.

The Vietnamese legal system is still in the process of completing, many new social relations have not yet been adjusted or adjusted by law, but incomplete, unclear or in conflict with laws. During the nationwide trial, the People's Court at all levels shall refer to the specialized Court's decisions and the Judicial Council's decisions of the Supreme People's Court through the system of selection of decisions of the Association. Co-judges of the

Supreme People's Court are issued to the People's Courts at all levels. These decisions are a reference source to guide Judges when hearing similar cases in practice, contributing to overcoming the loopholes of the law quickly, promptly, creating equality in hearing the same cases. This is also a form of explaining the unclear provisions of the law, enhancing legal education, creating confidence in people about transparency, openness, and ensuring consistency in the system's judicial Court.

The use of court judgments and decisions in law vocational training plays an important role in the application of training, linking vocational teaching and learning with trial practice. On the one hand, this will encourage and facilitate research activities and develop dissertation thinking, on the other hand contribute to strengthening research habits, updating legal practice of lecturers and students. Trainees will not be surprised and confused in practice because they have been trained in the skills of applying, applying, and referencing the Court's judgments and decisions.

With teaching activities, turning the judgment and decision of the Court into an important material will promote the effectiveness of the active teaching method. Judgments and decisions can serve as typical case exercises to help students understand how to apply the law as well as theoretical knowledge about the law in specific situations. In addition, the study and analysis of case cases also help students practice critical thinking skills, legal thinking more effectively than the examples built by lecturers.

The case method that has been developed for a long time in advanced countries such as the United States, the EU and some other countries. In the legal realm, this approach dates back to the 1870s, led by Professor Christopher Langdell to change the teaching method from classical (mainly lecture on doctrine, while practice is the learner's task) to case-based teaching when the professor returns at Harvard Law School (USA).

The teaching method by case has achieved many proven successes in legal training. Since 1920, the case method of teaching law has become the dominant teaching method at Harvard University. Other US law universities have also learned to use this approach. The case method is now the main method of teaching law in the US, UK, Canada, Australia, New Zealand, Singapore, etc. Besides, this method is also developed in countries that follow the legal tradition continental Europe. This is demonstrated by the construction of casebooks - the primary means of serving this teaching method such as the case books on general European law (IUS Commune Casebooks), and the case book publications. Casebook on Conflict Law is also carried out by countries of the European Union.

Characterized by the use of judgment in the teaching and training of law, one of the advantages of the case teaching method is to assess and narrow the gap between theory and practice and vice versa. In addition, the application of the case teaching method helps students develop the ability to read and analyse cases - the essential skills of lawyers, of people with legal expertise. Students learn to analyse the case according to the following factors: facts of argument, legal issues that the court must resolve, the grounds for the court to make its decision and the reasons for its decision of the court. Based on the judgments and cases resolved by the court, students analyse and find out certain principles and legal norms that have been applied and how the court applies the principles and norms there. In the legal profession, this is the basis for judges to make judgments. Accordingly, students consolidate knowledge - the core of legal principles through cases resolved by courts and be able to apply those legal principles in different situations and from there, students learn and practice the way of "thinking like a lawyer".

#### **4.2 Moot court**

The term "moot court" or "mooting" is commonly used in law schools around the world as a form of legal research and practice by law school students, in which the students act as the lawyers of the parties in a

hypothetical case, arguing the contents of the case before the judges of the hypothetical court. At mock court, students not only understand and present legal provisions, principles and legal doctrine, but also know how to interpret and persuade the judge of their arguments.

Moot court is derived from the term "moot" or "e-moot" in Old English meaning meeting of local knowledgeable people to discuss important local issues. During the eighteenth century, English law school students used the word "mooting" to refer to academic debate in which students imitated lawyers solving controversial issues in the local community. Phuong. At the end of the nineteenth century, when law institutions were formed in the United States, the concept of mock trial began to be widely used as a form of student academic exchange relating to legal matters the assumption.

Thanks to the effects and benefits students have in the form of mock trials such as fostering knowledge in the relevant legal field, and at the same time developing many important soft skills that within the past three decades. Here, the form of law teaching through mock trial has been widely applied in many universities around the world. From leading universities in the world such as Harvard Law School, King's College London, Columbia University, Berlin University, ... to famous universities in the region: Hong Kong University, National University of Singapore, Malay National University, Since then, a mock court competition has been formed in the fields of international commercial law, international criminal law, environmental law, international humanitarian law, human rights, ... which received a lot of support island of the international student community.

In Vietnam, in recent years, there have been a number of schools such as Ho Chi Minh City University of Law, Hanoi Law University, Diplomatic Academy interested in this activity and sent a team of students to join the mock international trial competition and achieve a certain number of achievements. Although the results are not really high, the application of moot-court is limited, but the above are a good signal for law students in general.

#### ***4.3 Using Role-Play Method***

Role play is where students participate in hypothetical scenarios related to a specific legal situation. In the past, this method was mainly used in law practice training institutions such as the Judicial Academy when training lawyers, judges or prosecutors. However, in recent years, law schools have also started applying to train student skills when applying the law.

To be able to perform this method, you need to prepare the following steps:

❖ Step one - Create the scenario:

First, the teacher needs to choose a situation for any scenario. It is important to be based on the needs and interests of the students and give them the opportunity to practice what is learned in class. Besides, that play also needs to be attractive to attract students. It is also a good way for students to choose their own situations. Students can think of topics that they are interested in or can choose similar topics from a series of situations.

These situations can arise from situations in everyday life, from the content of a book or a movie, etc.

❖ Step 2 - Content development:

In the context of the play, students need to come up with ideas to develop the situation of the story. However, how the speech is made depends on the ability and knowledge of the students. Instructors can simplify accordingly. As such, it is imperative that students speak. To develop conflicts and conflicts, the teacher transforms the lines in the script. Once dramatic situations arise, the play becomes much more interesting.

❖ Step 3 - Prepare the dialogue:

Instructors will have to assign a group of students to prepare the lines to suit the script content of each character. Note that students use the correct language, especially the term law majors.

## ❖ Step 4 - Prepare information:

Students need to be provided with full information about the play, especially the role description so that they can safely assume their roles. The careful depiction of the role helps students to distinguish the characters. Should use the second person rather than the third person. If a role has a problem, the teachers just describe the problem and let the students find solutions themselves.

## ❖ Step 5 - Role assignment:

The teacher may ask the whole class to volunteer to act in front of the class, but it is usually advisable to assign roles to each student in advance. The teacher could also assign the role play as a homework. Students will learn first and prepare the lines and then act together in the next class.

A class can be divided into one or several small groups. If the whole class is a group, it is necessary to retain some supporting roles that would normally not be used if there were fewer people in the class than expected. If there are too few roles in the script, one role can be assigned to 2 trainees. If the class is divided into several acting groups, the teacher must consider the abilities and personality of each student when deciding to assign the role. In short, the interaction is most effective when the instructor lets students work in groups with their peers.

Whether participating in the drama or not, the role of the teacher is also very important. They must be the listener and note the mistakes students make about legal knowledge, skills and application of the law, language of law, etc. These will be materials for teachers to refer to and prepare for the next practice. It is also important that teachers should not interrupt the story by correcting errors to avoid causing students to lose interest.

## ❖ Step 6 - Finish:

Once the drama is finished, it is also helpful to take a moment to recap the story. This is not meant to point out mistakes and correct them. After the play, students must be very pleased with themselves, they feel that their legal knowledge has been used in a rather complex and useful job. In addition, the lecturer can ask students' opinions about the play and encourage their input. The purpose here is to discuss the developments of the play and review the problems they have learned. Along with group discussion, trainers can also distribute questionnaires to evaluate effectiveness.

In short, acting is an excellent method in the formation of law bachelors in universities. The more interesting the play was, the more students it attracted to participate. That also means that lecturers can build in students a love of studying law and thereby achieve higher results in the process of teaching and learning legal knowledge.

### **4.4 Field trip**

In the Cambridge fill word, "Field trip is a visit made by students to study something away from their school or college" means a study tour is a trip made by students for the purpose of research the incident outside of the learning environment (university).

A field trip is always organized for educational purposes in a relaxing and exploring atmosphere. Called a study tour, which means not only going to visit places, but also meeting experts, visiting headquarters related to the field. Sometimes teachers and schools will organize a tour of a place like going to court to attend a hearing, or going to a law office to see how a law office operates, no. a barrister works, learns the daily work of a lawyer, or gives students a tour of the public administration area such as the business registration office of an investment planning department or visits a factory to evaluate jobs comply with occupational safety laws, trade union organizations, etc. This method of study will give law students practical social experiences, understanding the future work environment or lessons on practical law application in everyday life. Such intuitive learning will help law students understand and master knowledge faster.

### **4.5 Seminars**

The strength of the seminars at universities is the presence of famous names in the law industry, sometimes as a lecturer, scholars who are prestigious professors from another university. When being a lawyer, famous businessman or a judge, the prosecutor has much practical experience in the application of laws. In Doctoral programs, PhD students will also regularly attend school, national or international scientific conferences to listen to the scientific research of their predecessors.

At seminars, students sometimes split into small groups to exchange their thoughts. Sometimes, at the end of a seminar, each group has to appoint a representative on behalf of the group to present. This method is very good for law students, helping them practice teamwork skills, presentation skills, scientific research skills, report writing, analysis, etc. Above all is the skill of applying and applying the learned knowledge as well as the provisions of the law to specific situations.

## CONCLUSION

In conclusion, from the above analysis, it can be seen that, in addition to traditional teaching methods, universities and law training institutions need to combine diversified teaching methods, creating opportunities for students to apply the knowledge and skills in solving real legal situations and cases.

## REFERENCES

1. Vietnam National Assembly, (2013). Constitution
2. Vietnam National Assembly, (2015). Law on Organization of People's Courts (revised)
3. Vietnam Politburo (2005). Resolution No. 49-NQ / TW dated on 02 June 2005 "The judicial reform strategy until 2020 on development of precedents in Vietnam"
4. Le Tien Chau (2005). Current status of law bachelor training in Vietnam. Legal Science Journal No. 4/2005
5. Nguyen Van Dai, Dinh Ngoc Thang (2020). Thinking about Bachelor of law training: think and keep innovating. Scientific Journal of Vinh University, No. 49; pp 32-43
6. Do Thi Mai Hanh (2015), Using court decisions of courts in legal teaching of theory - Experience through a case in the UK. Vietnam Journal of Legal Science; No. 04/89, pp74-80
7. Nguyen Minh Hang (2015), Experience in using courts' verdicts and decisions in law vocational training. Vietnam Journal of Legal Science, No. 89, pp 26-31
8. Truong Nhat Quang (2015), Using precedents in teaching: A practical perspective. Vietnam Journal of Legal Science, No. 89, pp 20-25
9. Tran Van Nam (2021), Standardied skills and knowlege at the Professional Oriented Higher Edudation on business law at the National Economics University; in Doan Duc Luong (Editor); *Ky Nang Trong Dao Tao Cu Nhan Luat Dap Ung Nhu Cau Thi Truong Lao Dong*; Hue University Press.
10. Pierre Macqueron (2015), Using the court's decisions in research and teaching activities in the French Republic. Vietnam Journal of Legal Science No. 04/2015 (89), pp 68-73