these issues in their courseware documentation, and that lecturers and tutors who use the courseware take these issues into account when implementing and embedding computer-based learning in the curriculum.

As an example of this argument, the computer-based learning program *Virtual Court Action* is examined. This program was designed to be used in the learning and teaching of procedural law in a Scottish university law curriculum. Using document assembly techniques and email, this program emulates part of a civil court action in a Scottish court, with identical personnel, legal documents and procedure.

Learning management is critical to the success of any computer-based learning (CBL) intervention. In the *Virtual Court Action* course, learning management played a key role in the project's success. The project was designed to teach students court procedure by allowing them to become the pursuers and defenders in their own hypothetical court action, using technology to simulate the real life environment. The aim was to develop students' understanding of the progression of an ordinary civil court action, along with the interactions that take place between the various parties, and to develop students' understanding of the content of the legal documents which form the basis of the action.

The project was piloted over a four-week period with 70 full-time and part-time undergraduates. The students were assigned to groups of three, and each group became the pursuer or defender in a civil court action, having been issued with a unique case scenario which gave sufficient information to allow it to initiate or defend the action. The students then actively progressed the action to an identifiable point in the procedure by drafting the appropriate legal documentation and corresponding with each other and with the Sheriff Clerk using email. The project was not designed to stand alone, or to replace traditional learning methods, but the number of weekly seminars was reduced for the duration of the project.

Based on the evaluation of the pilot project, ways were considered to increase opportunities for co-operative learning. Once again, the way forward here arose from reflection upon the learning management issues that presented themselves. It became clear during the pilot project that several common issues were being raised with the tutor by the student groups. There was an ineffective use of staff time.

To reduce the need for tutor support and encourage co-operative learning, the introduction of a peer discussion forum was considered. There are two main reasons why this might help manage and facilitate student learning. First, dialogue with peers and tutors has been a fundamental premise of higher education and is an important element of deep learning and reflective thought. Traditionally, this dialogue has taken place only when participants have been physically present. But technology in the form of electronic dialogues now provides forums for discussion which do not rely on face to face communication. Second, electronic dialogues can have the additional benefit of simulating the real, professional, legal environment where colleagues would engage in regular dialogue. Accordingly, we set up a HyperNews discussion group.

Learning management may be defined as control or management or administration of activities that allow learning to take place. The use of computer labs in the teaching and learning in the *Virtual Court Action* was one such issue. Educational concerns surround apparently issues such as centralisation of room booking, the types of labs available to teach in, the layout of computers in the labs, software loading and accessing and the like. Often, traditional frames of educational delivery are embedded in the way we use labs.

Perhaps the fundamental point about learning management is that it is often unregarded in learning theories. The general point about its relatively low profile in C&IT learning theory is interesting in itself. This has come about for three reasons. The first has to do with the difficulty of examining learning management in classroom practice. With its many and synchronous events, learning in schools, further and higher education is an object of remarkable multi-layered and ever-changing complexity. Moreover, a class is always a class in time, and its precise features can never be replicated experimentally. Second, CBL is still a new form of learning and teaching, and teachers need to routinise its use before they feel comfortable in using it. The third reason lies in the nature of the decisions to be taken at design and implementation stages. It is axiomatic that CBL is designed for an audience, but that audience includes not just students who will use the program as a learning resource, but staff who will use it as a teaching resource.

Learning management was crucial to the success of the project. Situated learning theory guided many aspects of design, particularly in the early stages. The design stage of CBL should, as far as possible, take into account the learning management issues which will be faced by those implementing the technology. Classrooms, after all, and the learning events which take place within them, are the intersections of many overlapping, sometimes contradictory discourses and situations. This is inevitable. What we need to do as designers as well as teachers is to manage the learning experience so as to help students negotiate the contradictions and improve their legal learning.

Appellate advocacy competitions: let's loosen some restrictions on faculty assistance

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Each year hundreds of law students compete in dozens of interscholastic moot court competitions throughout the country. Many of these students receive coaching in oral argument from faculty, alumni, and other students who have participated in such competitions themselves.

But coaches for a significant number of competitions face an ethical dilemma that can interfere with their pedagogical responsibilities. While the rules for interscholastic competitions vary widely, many of them contain 'limited-assistance rules': vaguely worded limits on the assistance that faculty and other coaches may offer during the period between the submission of briefs and the competition rounds. Limits on outside assistance seem motivated in part by the pedagogical theory that students will learn more about appellate advocacy if they are given minimal (rather than unlimited) assistance. Another reason undoubtedly is a desire to promote fair competitions—to have the results reflect the competitions' own abilities, knowledge, and hard work, not the input of their coaches.

Practical problems with limited-assistance rules are not the only reason to question their value. Strictly construing these rules threatens to undermine the pedagogical goals that many faculty advisers share: the rules restrict our ability to ask challenging questions and to offer timely substantive feedback to students. One reason that limited-assistance rules are unlikely to be successful in constraining faculty assistance during oral argument practices is that those who sit in on practices often have not read the rules and sometimes may not even know they exist.

There is an obligation to act with integrity but the temptations to test the boundaries of the limited-assistance rule should be obvious. Teams practise in private, and no one representing the competition is there to enforce the rules. There is no way to tell from a team's performance at the competition whether it received unfair help while preparing. Even in a world in which all faculty and other practice judges read and scrupulously attempted to follow a limited-assistance rule, the rule could achieve its goals only if it gave fair warning in language that the common world will understand of what the rule permits and prohibits.

Thus a limited-assistance rule appears to offer inadequate guidance even to well-intentioned faculty advisers who might agree with the rule's goals of promoting fair competitions and student self-development. In addition to improving awareness of the rule by having teams certify that they have distributed the rule to all practice judges, competitions that use a limited-assistance rule should try to improve understanding of the rule's intent by providing specific examples of the types of assistance that the rule permits and prohibits. But such marginal reforms will not overcome the major problem with limited-assistance rules: their interference with the educational process.

Strictly construed, they would place faculty advisers in a pedagogical straitjacket that would limit our ability to provide timely substantive feedback to students during oral argument training and thus interfere with our obligation to educate students. We do not need such rules to promote the goals of student self-development and fair competition. Where unlimited assistance is permitted responsible faculty can fulfil their educational responsibilities without unduly undermining these goals. Faculty's questions and comments should encourage students to think more deeply about the problem's issues, to do further research even after briefs have been submitted and often to change the substance of their arguments.

Permitting unrestricted faculty assistance during oral argument practices should not significantly undermine student self-development and fair competition, the apparent goals of limited-assistance rules. Faculty is unlikely to do students' work for them even when allowed to give more than artificially limited assistance. In many situations, team members will have considerably more substantive knowledge than faculty advisers on the specific topics that the students have been researching. But it is also likely that students lack more general knowledge on related areas of law or on background issues such as canons of statutory construction or standards of review. If advisers are not allowed to ask questions or make comments that might lead competitors to change the substance of their argument, then they also must forgo many teachable moments that provide the opportunity to broaden and deepen students' approach to the problem.

Scrapping limited-assistance rules should not significantly undermine the fair competition that the rules seek to promote. It is true that some teams will get more—and arguably better—substantive advice than other teams. But there is no guarantee that the students who receive the most advice will do best in the competition. Good students who receive a great deal of substantive feedback will not simply parrot what their coaches tell them; rather, they will do additional research on and reflection about the issues.

Using students as discussion leaders on sexual orientation and gender identity issues in first-year courses

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Law schools must work harder to reduce the sense of isolation felt by lesbian, bisexual, gay and transgender (LBGT) students and to ensure that those students become full participants in the law school community. LBGT concerns are cutting-edge issues in society and a growth area in the law. All law students should be comfortable addressing LBGT issues. Discussing those issues in first-year courses—and not reserving them for upper-level specialty courses—both validates the perspective of LBGT students on the law school experience and takes an important first step in educating all students about LBGT issues and about the richness of LBGT lives. This article describes a joint effort, in Spring 1997, to discuss issues of sexual orientation and gender identity in a Contracts course.

If you are interested in discussing LBGT issues in a first-year course, the following is suggested. First, incorporate diversity issues from the beginning. Putting race, gender, and LBGT issues on the table immediately has several advantages. It links students from those groups to the course and sends a signal that their con-