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-

cerns and perspectives are important. It validates discussion of gender, race and sexual orientation (both in and outside the classroom) as appropriate to the study of contracts. It enlists student energy in searching for places of intersection between diversity issues and the first-year curriculum. Finally, it enlivens the classroom and can offer fascinating insights. For example, a gay student once remarked to the lecturer that, because of his experience with societal norms, he found the reasonable-person standard 'terrifying'.

Second, from time to time use hypotheticals involving same-sex partners. Although some legal issues require opposite-sex couples, many do not, and teachers should include same-sex examples in their repertoire. Since most students assume that any couple will be of opposite sex, the point has to be made explicitly. This recommendation is analogous to the battle over gender-inclusive language fought 20 years ago.

Third, discuss LBGT issues at several points in the course and include issues, cases, and hypotheticals not linked to criminality. In Contracts, for example, LBGT issues could be included in a discussion of palimony cases. Since marriage is prohibited to same-sex couples, contract provides a mechanism (admittedly a poor substitute) for ordering personal affairs. In Torts, can a same-sex partner witnessing an injury to his or her mate recover for negligent infliction of emotional distress? Can same-sex partners recover for loss of consortium? Teaching LBGT cases and hypotheticals not linked to criminality is an important step in educating non-gay students about the full spectrum of LBGT lives.

Fourth, invite upper-level LBGT students into the classroom. This facilitates casual dialogue between straight and LBGT students. While race and gender are commonly discussed by students outside the classroom across lines of gender and race, straight students may not know even a single classmate who is a visible member of the LBGT community. Second, it empowers the upper-level students who teach the class and encourages dialogue about LBGT issues between students and faculty.

Most of us understand that gender issues are not solely women's issues and that issues of race are not solely the concern of people of colour: these are societal issues, and everyone has an opportunity (if not an obligation) to battle gender and race discrimination. Likewise, LBGT issues are societal issues: members of the LBGT community should not be the only ones concerned with issues of sexual orientation and gender identity.

Issues of diversity are too important to be discussed only in Constitutional Law and upper-level specialty courses. They need to be part of the first-year curriculum. Enlisting upper-level students to discuss LBGT issues in first-year courses educates all students about those issues, facilitates dialogue between non-gay and LBGT students, empowers the students teaching the class, encourages dialogue between students and faculty, and reduces the sense of isolation felt by LBGT students.

TECHNOLOGY

Te(a)chnology: web-based instruction in legal skills courses

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Law professors increasingly are using the Internet to supplement their course materials and enhance their teaching skills. They are using it to create interactive, educational computer software, to provide a forum for peer review of student work products, to encourage collaborative learning, to provide a structured out-of-classroom learning environment, to foster a tighter community of educators, to extend office hours, to supplement and update class materials, and to promote faculty collegiality.

We developed a thesis that Web-based technology can improve student learning and satisfaction in skills-based courses because it allows students to choose among various sensory stimuli according to their own learning styles. Our goal was to explore a variety of technologies and attempt to accommodate a variety of learning styles instead of teaching to the prototypical law student.

Tailored instruction often occurs in primary and secondary education. In contrast, law students are subjected to a one-size-fits-all teaching approach. They are expected to learn by reading casebooks and attending classes taught by the Socratic method, and to demonstrate their learning in essay exams and multiple-choice tests.

A first-year law student is required to take courses she may or may not find interesting. She must also work with course materials whose style varies little from course to course. Most textbooks are compilations of appellate cases, followed by notes and problems. Unlike undergraduate textbooks, law books do not typically include photographs, charts, or colour-coded graphs. They appeal primarily to a student who learns by reading and writing; they are not geared toward the visual learner. Our premise was that by using Web-based instruction we could teach more effectively to all types of learners.

While traditional classrooms are based on precepts of passive learning and highly structured course delivery, typically centred around lecturers and reading assignments, the hallmarks of a Web-based environment are flexibility, interactivity, visual appeal, kinaesthetic movement, and sequential segments. Web-based instruction allows students to take an active role in learning and control their own learning environment. Students who learn best by reading can read the material sequentially as chapters in a book. Students who learn best by thinking aloud can discuss the materials in class or online, perhaps in a chat room. Visual learners can look at videos, charts, graphs and slides. Kinaesthetic learners can learn through computer simulations