

## **LL.M. ASSESSMENT CRITERIA**

For assessed coursework, and for examinations, students are graded according to the following criteria. When examining your work the examiners use the following descriptions and criteria in awarding marks.

### **1. Marking Criteria for Essay-style tasks, exam questions, coursework, and dissertations**

<b>Mark</b>	<b>Relevant knowledge</b>	<b>Answer structure and presentation</b>	<b>Analysis, evaluation, research and use of authority</b>	<b>Possible shortcomings</b>
85-100% High Distinction	Demonstrates deep, comprehensive and in-depth knowledge of subject together with additional knowledge of related fields. Clear evidence of substantial original generation of knowledge or insights, for example engagement with primary legal materials (e.g., cases and legislation) that challenges the traditional understanding or draws new insights or generalisations.	Answer selected from an extensive range of material and presented in a clear and rational structure and in a manner of flawless clarity and persuasion. A lively, engaging document which is thought provoking and displays an excellent quality of writing. It is thoroughly referenced, always with specificity and accuracy. Excellent overall.	Sophisticated, original argument which demonstrates a rich understanding of the range of positions taken in the literature and is backed by supporting arguments from a wide range of sources and a very wide range of relevant authority. Work in this range will, make innovative use of contextual material and, if relevant, draw upon interdisciplinary or comparative sources (i.e., sources from disciplines other than law, or covering other jurisdictions).	Few obvious shortcomings; work approaches publishable quality in terms of its insight and organisation. Work scoring in this range is likely to suggest that it was only limited by the word limit and the time available to complete the work.
75-80% Distinction	Demonstrates comprehensive and in-depth knowledge of the subject, including relevant specialised areas, as well as of the theoretical and practical issues that the subject poses. The essay is able to bring these	Answer is well organised and presented in a thoughtful structure with clarity and persuasion. A lively, engaging document displaying excellent quality of writing and accurate referencing.	Sophisticated, original argument which demonstrates a rich understanding of the orthodox positions in the area and is backed by supporting arguments from a wide range of sources and with	May be somewhat weaker in its appreciation of or engagement with contextual sources or, if relevant, sources from other disciplines and insights from other jurisdictions.

<b>Mark</b>	<b>Relevant knowledge</b>	<b>Answer structure and presentation</b>	<b>Analysis, evaluation, research and use of authority</b>	<b>Possible shortcomings</b>
	together, to make a few insightful, original points that go beyond the key strands of the literature.		reference to a very wide range of relevant authority. The candidate is able to take on and question perspectives expressed in the literature, and hold his or her own against them.	
65-68% High Merit	Demonstrates considerable knowledge and critical understanding of the subject and a grasp of the details of specialised areas. A clear understanding of the majority of theoretical and practical issues that the subject poses, and the ability to weave these into a critical analysis of the law.	Answer is well organised, and presented in a thoughtful structure with clarity and persuasion. The quality of writing is very good. References are used appropriately and are almost all sufficient to permit the reader to find specific cited material.	Clear, logically developed main argument which is original in some areas and is backed by supporting secondary arguments from a wide range of sources, including a wide range of relevant authority. The essay demonstrates that the candidate has read, understood, and appreciated the significance of the key perspectives in the literature, and is able to add their voice to the debate.	Not creative in terms of the sources that are used or drawn upon – thus, for example, the essay may not discuss, or make full use of, sources or perspectives that are less obvious; whilst some arguments will be original, others simply reproduce perspectives from the literature
60-64% Merit	Demonstrates a high level of knowledge and critical understanding of the subject, with a clear understanding of some of the theoretical and practical issues that the subject area poses. Very good evidence of knowledge and understanding of the essential elements of specialised topics, though not necessarily of their details.	The answer is well organised, and presented in a logical structure. The quality of writing is very good. An effort has been made to reference the work, but some elements of the text may not be effectively referenced.	A clear, coherent main argument, which is backed by supporting secondary arguments, drawing on a range of sources. The essay cites and uses all key primary sources, and in addition also identifies and looks at least some of the most important strands of the secondary literature. An essay in this range is no longer mainly relying on the textbook, but has started forming	Arguments may lack originality and be derivative in places; critical analysis, while present, does not fully take account of the entire range of views present in secondary sources; answer tends to rely on analysis taken from academic sources, without presenting any independent analysis of the candidate's own; tendency to over-include theoretical perspectives without proper

Mark	Relevant knowledge	Answer structure and presentation	Analysis, evaluation, research and use of authority	Possible shortcomings
			independent judgments based on wider reading.	selection or discernment.
53-58% Pass	Demonstrates a good level of knowledge and a sound understanding of the main principles and issues that are relevant to the subject area.	Answer has a clear structure, demonstrates an understanding of the question and covers most of the main points raised by the question adequately. The quality of writing is generally good. The text is generally effectively referenced.	A clear and comprehensible argument which cites and uses most of the relevant primary material. There is evidence that the student has read and understood material beyond lecture notes and handouts.	Whilst there should be some evidence of critical thinking about the subject, this may include information about a lot of theories or frameworks without fully thinking through whether they really work in this particular context; parts of the work may be descriptive or do not go much beyond what the key sources or authorities already say; there may be little independent analysis, with arguments mostly taken from the literature.
50-52% Marginal Pass	Demonstrates a basic knowledge of the main principles of the area, but knowledge of specialised areas or topics, or of the details of the case law or statutes, are weaker. Nevertheless, any mistakes or misinterpretations of the law are minor.	The answer's structure is intelligible, but basic; it may be descriptive or repetitive or descend into irrelevancies. It discusses the main issues, but may leave some aspect of the issue, or some secondary issues, undiscussed. Quality of writing is comprehensible and competent, even if it is stylistically poor. Parts of the text are effectively referenced.	The argument is supported with some evidence and authority, covering most of the key primary sources, but shows limited awareness of the range of sources and viewpoints available in the secondary literature; knowledge of the literature may be confined to textbooks or a very small number of articles – for example, it may not show an awareness or understanding of the arguments on the other side. The answer may include some irrelevant arguments and material.	The argument sometimes lacks clarity, with limited evidence of critical thinking; there is likely to be insufficient consideration of important secondary sources or authorities; it is likely to adopt or cite arguments made by others without questioning them; some issues are left unaddressed; may make mistakes in relation to detailed or specialised issues.

<b>Mark</b>	<b>Relevant knowledge</b>	<b>Answer structure and presentation</b>	<b>Analysis, evaluation, research and use of authority</b>	<b>Possible shortcomings</b>
40-48% Marginal Fail	Demonstrates an elementary knowledge of the area overall, but this is inadequate in some significant respects; it shows insufficient understanding of the implications of the law; there are likely to be mistakes or misunderstandings of important aspects of the law.	The answer has a basic structure, but is not well organized and may not follow a logical progression. It is likely to be incomplete, or not wholly related to the question. Important and relevant issues are not identified or are omitted. The writing is generally comprehensible – sentences and paragraphs make sense as syntactic units – but is likely to be stylistically weak. References are erratic or often incomplete.	The argument is supported with some reference to authorities and sources, but is likely to rely too much on assertion and unsupported opinion. It may fail to cite or discuss important cases or other primary sources, and include irrelevant or incorrect material.	Inadequate critical analysis or discussion of other points of view; failure to address several key issues; may fail to consider important primary sources or authorities; it may misunderstand or misapply significant elements of the relevant law
0-38% Poor fail	Demonstrates very little, if any, knowledge or understanding of the law and issues relevant to the area. This will typically be evidenced by general answers, numerous mistakes and misinterpretations.	The answer lacks a coherent structure. Significant chunks are unrelated to the question and / or omit the main relevant issues. The quality of writing is poor, and the essay may be incomprehensible in parts. Little or no effort to reference the work.	The argument is supported with little or no evidence and shows almost no awareness of supporting arguments, or of relevant primary or secondary sources. Statements tend to be vague, and extremely general, with virtually no focus on the specific area to which the question relates.	Fails to address most or virtually all relevant issues; fails to consider even the key primary sources or authorities; misunderstands or misapplies many of the legal rules or issues that are relevant to the problem. Such an essay will typically be extremely short or, if long, include significant amounts of irrelevant material

## 2. Marking Criteria for Problem-style and practical tasks, exam questions and coursework

Mark	Relevant knowledge	Answer structure and presentation	Analysis, evaluation, research and use of authority	Possible shortcomings
85-100% High Distinction	Demonstrates deep and comprehensive knowledge of subject, including in relation to the details of specialised areas of law. Is able to deal with all the nuances and details of even complex areas of law, producing a rounded and compelling assessment of the positions of each relevant party. Has a well-developed critical understanding of the relevance of practice. Integrates critical discussion of policy goals and / or competing policy objectives where relevant. Shows a sound understanding of the strengths and lacunae of the law, and is able to suggest practical steps to deal with these.	The output is exceptionally well organised, and covers all issues raised by the task. The issues are addressed in a logical, thoughtful structure with clarity and persuasion. The presentation is flawless, and the quality of writing, presentation or drafting is outstanding. The output is thoroughly referenced. Excellent overall.	Well-crafted, sophisticated argument which engages fully and comprehensively with all relevant aspects of issues raised by the problem, including complex and specialised issues. The candidate is able to engage with fine details of judgments and other primary materials, including international and comparative material, and is able to use these to formulate creative, original and realistic legal arguments and analyses. The candidate deals skilfully and comprehensively with opposing arguments, showing a clear awareness of the weakness of his or her own position. Extensive use is made of perspectives set out in the secondary literature to construct arguments.	Few obvious shortcomings. Work scoring in this range approaches the quality one would expect from an experienced and reflective practitioner, and is likely to suggest that it was only limited by the word limit and the time available to complete the work.
75-80% Distinction	Demonstrates comprehensive knowledge of the subject which is in-depth in most areas. Deals very well with specialised areas of law, including defences and	The output is well organised, and covers all issues raised by the task. The issues are addressed in a logical, thoughtful structure with clarity and persuasion.	Well-crafted, sophisticated argument which demonstrates that the candidate has read and understood a wide range of primary and secondary	May be somewhat weaker in its ability to make full use of related fields of knowledge in the accomplishment of the task; the argument goes beyond the

Mark	Relevant knowledge	Answer structure and presentation	Analysis, evaluation, research and use of authority	Possible shortcomings
	<p>exceptions, identifying complexities and nuances in the rules and demonstrating an excellent understanding of how they work. Is aware of the relevance of the policy dimension of the issues raised by the problem or task, and is able to utilise that understanding in dealing the task. Uses all of these to produce a realistic assessment of the strengths and weaknesses of the relevant side's case. Shows a sound understanding of the strengths and lacunae of the law.</p>	<p>The quality of writing, presentation or drafting is excellent. The work is accurately referenced.</p>	<p>sources, and is able to deploy insights from those sources to deal fully and effectively with all issues, including complex and specialised issues. The work makes extensive use of precedents and secondary sources (including comparative materials if relevant) to illustrate application of the law, which is woven well into the core argument. The work demonstrates that the candidate has a grasp over a wide range of sources, and is able to select and use the most appropriate ones in the context of a given task.</p>	<p>precedents, but may not go much beyond what is suggested by the secondary literature; the work does not deal with finer details of the authorities on which it relies.</p>
<p>65-69% High Merit</p>	<p>Demonstrates considerable knowledge and critical understanding of the subject and a very good grasp of detail in some areas. Is able to deal thoroughly and effectively with complex issues and with specialised areas or topics, including the details of defences and exceptions, and can identify the main practical issues posed by the law. Where needed, the candidate draws on domestic, international,</p>	<p>The output is well organised, and covers most issues raised by the task. The issues are addressed in a logical, thoughtful structure with clarity and persuasion. The quality of writing, presentation or drafting is very good. References are used appropriately and are almost all sufficient to permit the reader to find specific cited material.</p>	<p>Identifies and deals with all primary and most secondary or minor issues raised by the situation, and in doing so identifies areas of strength and weakness in the client's case. The output presents a clear, logical argument which cites all important legal rules and authorities. The work identifies all key opposing arguments and constructs a rebuttal that deals effectively with</p>	<p>Implications of all issues may not be fully considered; treatment of complex or specialised issues may have some gaps; arguments may not make full use of comparative sources or perspectives (if relevant); assessment of the strengths and weaknesses of the competing arguments may be incomplete; arguments may have a tendency to be derivative or of limited creativity, although they will</p>

Mark	Relevant knowledge	Answer structure and presentation	Analysis, evaluation, research and use of authority	Possible shortcomings
	comparative and practice-based sources.		them. It uses precedents competently to illustrate application of rules. The work engages with key strands in the secondary literature and comparative materials (if appropriate).	begin to go beyond what is obviously indicated by the precedents.
60-64% Merit	Demonstrates a high level of knowledge and understanding of the subject with some understanding of the practical issues which the application of the law poses. The candidate understands the essential elements of specialised topics, including in relation to defences and exceptions, though not necessarily of all their details. Is able to draw on comparative jurisprudence from other jurisdictions, if relevant to the task.	The output is well organised, and covers the majority of the issues raised by the task. The issues are addressed in a logical sequence, with very few digressions or abrupt jumps, although more advanced aspects of the discussion – such as the assessment of the strengths and weaknesses of the competing arguments – may appear disjointed. The quality of the writing, presentation or drafting is very good. An effort has been made to reference the work, but some elements of the text may not be effectively referenced.	Identifies all primary and most secondary or minor issues raised by the situation, and identifies, explains and applies the relevant legal rules in relation to each. The candidate has correctly identified the important issues, and does not spend time on irrelevant issues. A coherent argument is constructed, drawing upon all key primary authorities as well as some of the relevant secondary literature. Opposing arguments are identified, and partially rebutted, although the rebuttal may not be effective. Precedents are used not just to identify the law, but also to support arguments by illustrating how the rules are applied; some reference to and comparative materials (if appropriate);	Coverage of more specialised or complex issues may be less convincing; may miss depth of interaction between different issues and (if relevant) between substantive and procedural or cross-border issues; engagement with secondary literature is limited; rebuttals of opposing arguments may be superficial and fail to address important aspects of those arguments; may not adequately assess the strengths and weaknesses of the arguments advanced, or may make unrealistic assumptions in doing so; arguments are derivative and do not go much beyond the precedents; critical analysis, while present, is not fully developed

Mark	Relevant knowledge	Answer structure and presentation	Analysis, evaluation, research and use of authority	Possible shortcomings
			works with different levels of sources if required by the task (e.g. primary legislation as well as statutory instruments). The candidate is drawing on a range of sources beyond the textbook.	
53-59% Pass	Demonstrates knowledge and understanding of the key rules, principles and issues that are relevant to the problem or task. Knowledge of specialised areas or topics, or of the details of the case law or statutes, may, however, be weaker. The most important defences and exceptions are identified, although their constitutive elements may not be dealt with effectively.	The output for the most part has a clear structure, which flows logically from issue to issue, but may contain some abrupt jumps or digressions. It demonstrates an understanding of the task, and of the issues that it raises. The quality of writing, presentation or drafting is generally comprehensible and competent, although it may have a tendency to meander and lack sharpness. More of the text is effectively referenced than not.	Identifies most of the key issues raised by the situation, as well as the most important applicable rules. The candidate will have exercised some discernment in relation to which issues are important and which are not, but may have nevertheless included issues of peripheral importance. A clear argument is advanced, which is backed by references to the most important relevant legal and other appropriate authorities. The answer shows an awareness and understanding of the key opposing arguments. The answer suggests some further reading has been done.	The discussion of the law in this range is likely to be descriptive, with limited critical analysis and more emphasis on describing what the law rather than explaining its application to a given scenario. Likewise, precedents may be used more to identify the law rather than to identify its application. The rebuttal of opposing arguments generally lacks the robustness required for a higher grade. The arguments may not go much beyond the key authorities, and some secondary or minor issues may be missed. There is insufficient engagement with secondary literature beyond lecture materials and prescribed textbooks.
50-52% Marginal Pass	Demonstrates a basic knowledge of the main principles of the area, but knowledge of specialised areas or	The discussion is not entirely related to the task –and there is likely to be a tendency to divert into issues that are	Identifies the basic legal issues thrown up by the situation and some applicable rules, but is likely to miss	The candidate is likely to show a lack of discrimination in identifying legal issues for discussion and



<b>Mark</b>	<b>Relevant knowledge</b>	<b>Answer structure and presentation</b>	<b>Analysis, evaluation, research and use of authority</b>	<b>Possible shortcomings</b>
	<p>topics, or of the details of the case law or statutes, are weaker. Nevertheless, any mistakes or misinterpretations of the law are minor;</p>	<p>irrelevant, or of peripheral relevance to the specific problem or other task. The answer may discuss the main issues, but leaves some aspect of the issue, or some secondary issues, undiscussed. The quality of writing, presentation or drafting is comprehensible and competent. Parts of the text are effectively referenced.</p>	<p>some of the details (e.g. in relation to defences or exceptions). Arguments are advanced and supported by some reference to legal and other appropriate authority, but may miss some important cases or statutes or the like. There candidate provides limited evidence that he or she has covered material beyond lecture materials and prescribed textbooks.</p>	<p>analysis. He or she may fail to recognize and attempt to rebut opposing arguments. The argument may lack clarity, or fail to consider important cases or statutory provisions and may leave issues unaddressed; The candidate will tend to describe the law without applying it to a given scenario.</p>
<p>40-49% Marginal Fail</p>	<p>Demonstrates a limited knowledge or understanding of the subject. The answer may get a few of the more general rules right, but there may also be misinterpretations and mistakes on other important aspects of the law, and insufficiently detailed knowledge and understanding of the rules of law</p>	<p>The output lacks a coherent structure and significant parts may be unrelated to the given task. Key relevant issues are not fully identified or omitted. The quality of writing is generally comprehensible – sentences and paragraphs make sense as syntactic units – but is likely to be stylistically weak. References tend to be erratic or incomplete.</p>	<p>Makes a rudimentary attempt to apply the law to the situation, but this is inadequate in some important respects. Arguments are insufficiently supported with reference to legal or other appropriate authority. It includes material that is irrelevant or incorrect</p>	<p>Several significant errors as to the law; insufficient reference to key sources or authorities; some misunderstanding or misapplication of the law and / or the application of irrelevant rules of law. There is inadequate citation and discussion of important cases or other primary sources, and inclusion of irrelevant or incorrect material.</p>
<p>0-39% Poor fail</p>	<p>Demonstrates very little, if any, knowledge or understanding of the law and issues relevant to the task. This will typically be evidenced by general answers, numerous mistakes and misinterpretations.</p>	<p>The output lacks any coherent structure and demonstrates a misunderstanding of the task or of the issues it raises. The quality of writing, presentation or drafting is likely to be poor, and may be</p>	<p>Little or no evidence of ability to apply legal rules or other appropriate materials to practical situations. Most of the content is irrelevant or incorrect. Statements tend to be vague, and extremely general,</p>	<p>Few if any coherent arguments or statements of the law. Makes little or no attempt to apply the law to the situation at hand. Little or no awareness of the key primary or secondary sources, or of applicable law.</p>

<b>Mark</b>	<b>Relevant knowledge</b>	<b>Answer structure and presentation</b>	<b>Analysis, evaluation, research and use of authority</b>	<b>Possible shortcomings</b>
		incomprehensible or incoherent in parts. Little or no effort to reference the work.	with virtually no focus on the specific area to which the question relates.	

# Newcastle University

Newcastle Law School

## LL.B Marking Criteria

### 1. Marking Criteria for Essay-style tasks, exam questions, coursework, and dissertations

Mark	Relevant knowledge	Answer structure and presentation	Analysis, evaluation, research and use of authority	Possible shortcomings
85-100% High First	Demonstrates deep, comprehensive and in-depth knowledge of subject together with additional knowledge of related fields. Clear evidence of substantial original generation of knowledge or insights, for example engagement with primary legal materials (e.g., cases and legislation) that challenges the traditional understanding or draws new insights or generalisations.	Answer selected from an extensive range of material and presented in a clear and rational structure and in a manner of flawless clarity and persuasion. A lively, engaging document which is thought provoking and displays an excellent quality of writing. It is thoroughly referenced, always with specificity and accuracy. Excellent overall.	Sophisticated, original argument which demonstrates a rich understanding of the range of positions taken in the literature and is backed by supporting arguments from a wide range of sources and a very wide range of relevant authority. Work in this range will, make innovative use of contextual material and, if relevant, draw upon interdisciplinary or comparative sources (i.e., sources from disciplines other than law, or covering other jurisdictions).	Few obvious shortcomings; work approaches publishable quality in terms of its insight and organisation. Work scoring in this range is likely to suggest that it was only limited by the word limit and the time available to complete the work.
75-80% First	Demonstrates comprehensive and in-depth knowledge of the subject, including relevant specialised areas, as well as of the theoretical and practical issues that the subject poses. The essay is able to bring these together, to make a few insightful, original points that go beyond the key strands of the literature.	Answer is well organised and presented in a thoughtful structure with clarity and persuasion. A lively, engaging document displaying excellent quality of writing and accurate referencing.	Sophisticated, original argument which demonstrates a rich understanding of the orthodox positions in the area and is backed by supporting arguments from a wide range of sources and with reference to a very wide range of relevant authority. The candidate is able to take on and question perspectives expressed in the literature, and hold his or her own	May be somewhat weaker in its appreciation of or engagement with contextual sources or, if relevant, sources from other disciplines and insights from other jurisdictions.

<b>Mark</b>	<b>Relevant knowledge</b>	<b>Answer structure and presentation</b>	<b>Analysis, evaluation, research and use of authority</b>	<b>Possible shortcomings</b>
			against them.	
65-68% High 2:1	Demonstrates considerable knowledge and critical understanding of the subject and a grasp of the details of specialised areas. A clear understanding of the majority of theoretical and practical issues that the subject poses, and the ability to weave these into a critical analysis of the law.	Answer is well organised, and presented in a thoughtful structure with clarity and persuasion. The quality of writing is very good. References are used appropriately and are almost all sufficient to permit the reader to find specific cited material.	Clear, logically developed main argument which is original in some areas and is backed by supporting secondary arguments from a wide range of sources, including a wide range of relevant authority. The essay demonstrates that the candidate has read, understood, and appreciated the significance of the key perspectives in the literature, and is able to add their voice to the debate.	Not creative in terms of the sources that are used or drawn upon – thus, for example, the essay may not discuss, or make full use of, sources or perspectives that are less obvious; whilst some arguments will be original, others simply reproduce perspectives from the literature
60-64% 2:1	Demonstrates a high level of knowledge and critical understanding of the subject, with a clear understanding of some of the theoretical and practical issues that the subject area poses. Very good evidence of knowledge and understanding of the essential elements of specialised topics, though not necessarily of their details.	The answer is well organised, and presented in a logical structure. The quality of writing is very good. An effort has been made to reference the work, but some elements of the text may not be effectively referenced.	A clear, coherent main argument, which is backed by supporting secondary arguments, drawing on a range of sources. The essay cites and uses all key primary sources, and in addition also identifies and looks at least some of the most important strands of the secondary literature. An essay in this range is no longer mainly relying on the textbook, but has started forming independent judgments based on wider reading.	Arguments may lack originality and be derivative in places; critical analysis, while present, does not fully take account of the entire range of views present in secondary sources; answer tends to rely on analysis taken from academic sources, without presenting any independent analysis of the candidate's own; tendency to over-include theoretical perspectives without proper selection or discernment.
50-58% 2:2	Demonstrates a good level of knowledge and a sound understanding of the main principles and issues that are relevant to the subject area.	Answer has a clear structure, demonstrates an understanding of the question and covers most of the main points raised by the question. The quality of writing is	A clear and comprehensible argument which cites and uses most of the relevant primary material. There is some sign that the student has read and understood	Limited evidence of critical thinking about the subject; may include information about a lot of theories or frameworks without fully thinking through whether

Mark	Relevant knowledge	Answer structure and presentation	Analysis, evaluation, research and use of authority	Possible shortcomings
	Knowledge of specialised areas or topics, or of the details of the case law or statutes, may, however, be weaker.	good although it may be descriptive or repetitive. More of the text is effectively referenced than not.	material beyond lecture notes and handouts, but this may be confined to textbooks or a very small number of articles.	they really work in this particular context; parts of the work are descriptive or do not go much beyond what the key sources or authorities already say; little independent analysis; the arguments presented are mostly taken from the literature.
40-48% 3	Demonstrates a basic knowledge of the main principles of the area, but only has a limited understanding of the significance and implications of the principles. There are likely be gaps in detailed knowledge and understanding, but any mistakes or misinterpretations of the law are minor	The answer's structure is intelligible, but basic- it may not follow the topic or may descend into irrelevancies. It discusses the main issues, but leaves some aspect of the issue, or some secondary issues, undiscussed. Quality of writing is comprehensible and competent, even if it is stylistically poor. Parts of the text are effectively referenced.	The argument is supported with some evidence and authority, covering most of the key primary sources, but shows little awareness of the range of sources and viewpoints available in the secondary literature – for example, it may not show an awareness or understanding of the arguments on the other side. The argument and knowledge displayed may not go much beyond what's in the lecture notes and handouts. Such an answer is likely to include some irrelevant arguments and material.	Argument lacks clarity; little or no sign of critical thinking; fails to consider important secondary sources or authorities; tends to unquestioningly adopt or cite arguments made by others; some issues are left unaddressed; may make mistakes in relation to detailed or specialised issues.
30-38% Marginal Fail	Demonstrates a very elementary, and generally inadequate, knowledge of the area overall, with a rather limited understanding of the implications of the law. Such an answer may get a few of the more	The answer has the beginnings of a structure, but is disorganised and leaps from point to point with no logical progression. Typically, the result will be a discussion that is incomplete, or not wholly related to the question.	The argument is supported with some reference to authorities and sources, but for the most part tends to consist of unsupported opinion. It will typically fail to cite or discuss important cases or other primary	No discussion of other points of view; failure to address several key issues; may fail to consider important primary sources or authorities; partially misunderstands or misapplies the law

Mark	Relevant knowledge	Answer structure and presentation	Analysis, evaluation, research and use of authority	Possible shortcomings
	<p>general rules right, but this will be accompanied by mistakes and misinterpretations of other important aspects of the law.</p>	<p>Important and relevant issues are not identified or are omitted. The writing is generally comprehensible – sentences and paragraphs make sense as syntactic units – but is likely to be stylistically weak. References are erratic or often incomplete.</p>	<p>sources, and include substantial amounts of irrelevant or incorrect material.</p>	
<p>0-28% Poor fail</p>	<p>Demonstrates very little, if any, knowledge or understanding of the law and issues relevant to the area. This will typically be evidenced by general answers, numerous mistakes and misinterpretations.</p>	<p>The answer lacks a coherent structure. Significant chunks are unrelated to the question and / or omit the main relevant issues. The quality of writing is poor, and the essay may be incomprehensible in parts. Little or no effort to reference the work.</p>	<p>The argument is supported with little or no evidence and shows almost no awareness of supporting arguments, or of relevant primary or secondary sources. Statements tend to be vague, and extremely general, with virtually no focus on the specific area to which the question relates.</p>	<p>Fails to address most or virtually all relevant issues; fails to consider even the key primary sources or authorities; misunderstands or misapplies many of the legal rules or issues that are relevant to the problem. Such an essay will typically be extremely short or, if long, include significant amounts of irrelevant material</p>

## 2. Marking Criteria for Problem-style and practical tasks, exam questions and coursework

Mark	Relevant knowledge	Answer structure and presentation	Analysis, evaluation, research and use of authority	Possible shortcomings
85-100% High First	Demonstrates deep and comprehensive knowledge of subject, including in relation to the details of specialised areas of law. Is able to deal with all the nuances and details of even complex areas of law, producing a rounded and compelling assessment of the positions of each relevant party. Has a well-developed critical understanding of the relevance of practice. Integrates critical discussion of policy goals and / or competing policy objectives where relevant. Shows a sound understanding of the strengths and lacunae of the law, and is able to suggest practical steps to deal with these.	The output is exceptionally well organised, and covers all issues raised by the task. The issues are addressed in a logical, thoughtful structure with clarity and persuasion. The presentation is flawless, and the quality of writing, presentation or drafting is outstanding. The output is thoroughly referenced. Excellent overall.	Well-crafted, sophisticated argument which engages fully and comprehensively with all relevant aspects of issues raised by the problem, including complex and specialised issues. The candidate is able to engage with fine details of judgments and other primary materials, including international and comparative material, and is able to use these to formulate creative, original and realistic legal arguments and analyses. The candidate deals skilfully and comprehensively with opposing arguments, showing a clear awareness of the weakness of his or her own position. Extensive use is made of perspectives set out in the secondary literature to construct arguments.	Few obvious shortcomings. Work scoring in this range approaches the quality one would expect from an experienced and reflective practitioner, and is likely to suggest that it was only limited by the word limit and the time available to complete the work.
75-80% First	Demonstrates comprehensive knowledge of the subject which is in-depth in most areas. Deals very well with specialised areas of law, including defences and exceptions, identifying complexities and	The output is well organised, and covers all issues raised by the task. The issues are addressed in a logical, thoughtful structure with clarity and persuasion. The quality of writing, presentation or drafting is	Well-crafted, sophisticated argument which demonstrates that the candidate has read and understood a wide range of primary and secondary sources, and is able to deploy insights from those sources	May be somewhat weaker in its ability to make full use of related fields of knowledge in the accomplishment of the task; the argument goes beyond the precedents, but may not go much beyond what is

Mark	Relevant knowledge	Answer structure and presentation	Analysis, evaluation, research and use of authority	Possible shortcomings
	<p>nuances in the rules and demonstrating an excellent understanding of how they work. Is aware of the relevance of the policy dimension of the issues raised by the problem or task, and is able to utilise that understanding in dealing the task. Uses all of these to produce a realistic assessment of the strengths and weaknesses of the relevant side's case. Shows a sound understanding of the strengths and lacunae of the law.</p>	<p>excellent. The work is accurately referenced.</p>	<p>to deal fully and effectively with all issues, including complex and specialised issues. The work makes extensive use of precedents and secondary sources (including comparative materials if relevant) to illustrate application of the law, which is woven well into the core argument. The work demonstrates that the candidate has a grasp over a wide range of sources, and is able to select and use the most appropriate ones in the context of a given task.</p>	<p>suggested by the secondary literature; the work does not deal with finer details of the authorities on which it relies.</p>
<p>65-68% High 2:1</p>	<p>Demonstrates considerable knowledge and critical understanding of the subject and a very good grasp of detail in some areas. Is able to deal thoroughly and effectively with complex issues and with specialised areas or topics, including the details of defences and exceptions, and can identify the main practical issues posed by the law. Where needed, the candidate draws on domestic, international, comparative and practice-based sources.</p>	<p>The output is well organised, and covers most issues raised by the task. The issues are addressed in a logical, thoughtful structure with clarity and persuasion. The quality of writing, presentation or drafting is very good. References are used appropriately and are almost all sufficient to permit the reader to find specific cited material.</p>	<p>Identifies and deals with all primary and most secondary or minor issues raised by the situation, and in doing so identifies areas of strength and weakness in the client's case. The output presents a clear, logical argument which cites all important legal rules and authorities. The work identifies all key opposing arguments and constructs a rebuttal that deals effectively with them. It uses precedents competently to illustrate application of rules. The work engages with key strands in the</p>	<p>Implications of all issues may not be fully considered; treatment of complex or specialised issues may have some gaps; arguments may not make full use of comparative sources or perspectives (if relevant); assessment of the strengths and weaknesses of the competing arguments may be incomplete; arguments may have a tendency to be derivative or of limited creativity, although they will begin to go beyond what is obviously indicated by the precedents.</p>



Mark	Relevant knowledge	Answer structure and presentation	Analysis, evaluation, research and use of authority	Possible shortcomings
			secondary literature and comparative materials (if appropriate).	
60-64% 2:1	Demonstrates a high level of knowledge and understanding of the subject with some understanding of the practical issues which the application of the law poses. The candidate understands the essential elements of specialised topics, including in relation to defences and exceptions, though not necessarily of all their details. Is able to draw on comparative jurisprudence from other jurisdictions, if relevant to the task.	The output is well organised, and covers the majority of the issues raised by the task. The issues are addressed in a logical sequence, with very few digressions or abrupt jumps, although more advanced aspects of the discussion – such as the assessment of the strengths and weaknesses of the competing arguments – may appear disjointed. The quality of the writing, presentation or drafting is very good. An effort has been made to reference the work, but some elements of the text may not be effectively referenced.	Identifies all primary and most secondary or minor issues raised by the situation, and identifies, explains and applies the relevant legal rules in relation to each. The candidate has correctly identified the important issues, and does not spend time on irrelevant issues. A coherent argument is constructed, drawing upon all key primary authorities as well as some of the relevant secondary literature. Opposing arguments are identified, and partially rebutted, although the rebuttal may not be effective. Precedents are used not just to identify the law, but also to support arguments by illustrating how the rules are applied; some reference to and comparative materials (if appropriate); works with different levels of sources if required by the task (e.g. primary legislation as well as statutory instruments). The candidate is drawing on a range of sources beyond the textbook.	Coverage of more specialised or complex issues may be less convincing; may miss depth of interaction between different issues and (if relevant) between substantive and procedural or cross-border issues; engagement with secondary literature is limited; rebuttals of opposing arguments may be superficial and fail to address important aspects of those arguments; may not adequately assess the strengths and weaknesses of the arguments advanced, or may make unrealistic assumptions in doing so; arguments are derivative and do not go much beyond the precedents; critical analysis, while present, is not fully developed

<b>Mark</b>	<b>Relevant knowledge</b>	<b>Answer structure and presentation</b>	<b>Analysis, evaluation, research and use of authority</b>	<b>Possible shortcomings</b>
50-58% 2:2	Demonstrates knowledge and understanding of the key rules, principles and issues that are relevant to the problem or task. Knowledge of specialised areas or topics, or of the details of the case law or statutes, may, however, be weaker. The most important defences and exceptions are identified, although their constitutive elements may not be dealt with effectively.	The output for the most part has a clear structure, which flows logically from issue to issue, but may contain some abrupt jumps or digressions. It demonstrates an understanding of the task, and of the issues that it raises. The quality of writing, presentation or drafting is comprehensible and competent, although it may have a tendency to meander and lack sharpness. More of the text is effectively referenced than not.	Identifies most of the key issues raised by the situation, as well as the most important applicable rules. The candidate will have exercised some discernment in relation to which issues are important and which are not, but may have nevertheless included issues of peripheral importance. A clear argument is advanced, which is backed by references to the most important relevant legal and other appropriate authorities. The answer shows an awareness and understanding of the key opposing arguments. The answer suggests some further reading has been done, but this may not have gone much beyond the textbook.	The discussion of the law in this range will typically be excessively descriptive, and insufficiently analytical: there will be a tendency to spend a lot of time describing what the law is, but not how it applies. Likewise, precedents may be used principally to identify the law, and less to identify its application. The rebuttal of opposing arguments is likely to be weak. The arguments may not go much beyond the key authorities, and secondary or minor issues may be missed. Little engagement with secondary literature, and incomplete grasp of specialised topics or areas.
40-48% 3	Demonstrates a basic knowledge of the main principles of the area, but only has a limited understanding of the details of the relevant legal rules and / or of how they are applied in practice. Engagement with defences or exceptions may be weak. The discussion of the law is mostly correct, and any mistakes or misinterpretations of	The discussion is not entirely related to the task – there will typically be a tendency to get diverted into issues that are irrelevant, or of peripheral relevance to the specific problem or other task. The answer may discuss the main issues, but leaves some aspect of the issue, or some secondary issues, undiscussed. The quality of writing,	Identifies the basic legal issues thrown up by the situation and some applicable rules, but is likely to miss some of the details (e.g. in relation to defences or exceptions). Arguments are advanced and supported by some reference to legal and other appropriate authority, but miss important cases or	Answers in this range are likely to suffer from the approach of throwing in as many legal issues as the candidate can think of, without trying to exercise discernment or judgment as to which issues are actually relevant. They are unlikely to cite or attempt to rebut opposing arguments. The

<b>Mark</b>	<b>Relevant knowledge</b>	<b>Answer structure and presentation</b>	<b>Analysis, evaluation, research and use of authority</b>	<b>Possible shortcomings</b>
	the law are minor.	presentation or drafting is comprehensible and competent. Parts of the text are effectively referenced.	statutes. There is little sign that the candidate has covered material beyond what is in the lectures and handouts.	argument may lack clarity, or fail to consider important cases or statutory provisions and leave issues unaddressed; There will often be a tendency to describe the law without applying it to the situation at hand.
30-38% Marginal Fail	Demonstrates a very limited knowledge or understanding of the subject. The answer may get a few of the more general rules right, but this will be accompanied by misinterpretations and mistakes on other important aspects of the law, and little or no detailed knowledge and understanding of the rules of law	The output lacks a coherent structure and significant parts are unrelated to the task. Main relevant issues are not identified or omitted. The quality of writing is generally comprehensible – sentences and paragraphs make sense as syntactic units – but is likely to be stylistically weak. References are erratic or often incomplete.	Makes a rudimentary, and inadequate, attempt to apply the law to the situation. Arguments are supported with scanty reference to legal or other appropriate authority. Important bits of the material are likely to be irrelevant or incorrect	Several significant errors as to the law; little or no reference to key sources or authorities; misunderstands or misapplies the law and / or applies irrelevant rules of law. It will typically fail to cite or discuss important cases or other primary sources, and include substantial amounts of irrelevant or incorrect material.
0-28% Poor fail	Demonstrates very little, if any, knowledge or understanding of the law and issues relevant to the task. This will typically be evidenced by general answers, numerous mistakes and misinterpretations.	The output lacks any coherent structure and demonstrates a misunderstanding of the task or of the issues it raises. The quality of writing, presentation or drafting is likely to be poor, and may be incomprehensible or incoherent in parts. Little or no effort to reference the work.	Little or no evidence of ability to apply legal rules or other appropriate materials to practical situations. Most of the content is irrelevant or incorrect. Statements tend to be vague, and extremely general, with virtually no focus on the specific area to which the question relates.	Few if any coherent arguments or statements of the law. Makes little or no attempt to apply the law to the situation at hand. Little or no awareness of the key primary or secondary sources, or of applicable law.