1. Introduction

These criteria are intended to act as guidelines to examiners in determining the class to be awarded to a candidate in a given paper. Guidelines for use by the final meeting of examiners in settling the class-list are contained in the Faculty’s classing conventions.

These criteria are generally expressed in terms of the quality of answers to individual questions. Examiners should nevertheless be aware that the class awarded to a candidate in a given paper should be determined after an assessment of the quality of the script as a whole, and not merely on the basis of an arithmetical total of the marks on each question.

These criteria are applicable to examinations MCL students take for their modules, where candidates are awarded a mark out of 100, the full year LLM course, where candidates are awarded a mark out of 200, and written work submitted as part of the Deals Course, which will count for 160 of the 200 marks available in that course. Guidance concerning marking criteria for class participation in the Deals course and for presentations in class (in aggregate 40 out of 200 marks available) is set out below.

2. General

There is a general requirement that answers be relevant to the question asked. Failure to provide an answer to the question asked may be severely penalised. Cases where candidates have answered a question not permitted to be answered under the rubrics for the paper, and, discounting that answer, have not answered the required number of questions, are dealt with by means of a penalty, and not by merely striking through an answer which infringes the rubrics.

Cases where candidates have answered the required number of questions in accordance with the rubrics for the paper, but have also answered a further question (whether by answering both parts of an ‘either/or’ question, or otherwise) are dealt with as follows: the weakest answer which, if discounted, would leave the candidate with the required number of answers in accordance with the rubrics for that paper will be considered, but only in so far as it is relevant to an assessment of the quality of the script as a whole.

3. Particular classes

First class with distinction (Modules: 80-100; LLM Full Year Paper: 160-200; Deals Course written work: 128-160)

While it is recognised that there are several different ways of obtaining a first class with distinction mark, a first class with distinction answer demonstrates a rare and consistent excellence. Answers displaying these qualities may justify a first class with distinction mark despite the presence of minor errors or omissions.

First class answers with distinction are uncommon. They are expected to display originality and to excel in most if not all of the criteria for a first class answer set out below. Allowing
for the constraints of the examination context, first class answers with distinction will approach the standard of published academic work.

**First class (Modules: 70-79; LLM Full Year Paper: 140-159; Deals Course written work: 112-127)**

While it is recognised that there are several different ways of obtaining a first class mark, a first class answer has a thoughtful structure, a clear message displaying personal reflection informed by wider reading of articles and/or other commentaries and a good grasp of detail. Answers displaying these qualities may justify a first class mark despite the presence of minor errors or omissions.

First class answers are very good for an MCL student.

**High first class (Modules: 75-79; LLM Full Year Paper: 150-159; Deals Course written work: 120-127)**

High first class answers meet the qualities expected of a high upper second class answer, and in addition excel in all or most of the following areas:

- Comprehensiveness and accuracy;
- Clarity of argument and expression;
- Integration of a range of materials;
- Evidence of wider reading;
- Insight into the theoretical issues;
- Critical evaluation.

Although there is no expectation of originality of exposition or treatment, a high first class answer may spot points rarely seen by MCL students.

**Low first class (Modules: 70-75; LLM Full Year Paper: 140-149; Deals Course written work: 112-119)**

Low first class answers meet the qualities expected of a high upper second class answer, and in addition excel in some of the following areas (though first class performance may not necessarily be maintained throughout the answer):

- Comprehensiveness and accuracy;
- Clarity of argument and expression;
- Integration of a range of materials;
- Evidence of wider reading;
- Insight into the theoretical issues;
- Critical evaluation.

**Upper Second Class (Modules: 60-69; LLM Full Year Paper: 120-139; Deals Course written work: 96-111)**

An upper second class answer generally shows a sound understanding of both the basic principles and relevant details of the subject-matter, supported by illustrations which are demonstrably well-understood and which are presented in a coherent and logical fashion. The answer should be well-structured, display some analytical ability and contain no major errors or omissions.
One essential aspect of any upper second class answer is that it must have dealt at least competently with the question asked by the examiner.

**High upper second class (Modules: 65-69; LLM Full Year Paper: 130-139; Deals Course written work: 104-111)**

High upper second class answers are of a good quality, and typically possess all or most of the following characteristics (excellence in relation to some of the criteria may compensate for weaknesses in relation to others):

- Generally accurate and well-informed;
- Reasonably comprehensive;
- Well-organised and structured;
- Succinctly and cogently presented;
- Providing evidence of reading beyond textbooks and lecture-notes;
- Demonstrating a sound grasp of basic principles;
- Demonstrating a good understanding of the relevant details;
- Displaying some evidence of insight;
- Evaluation of material, though such evaluation may be derivative;
- In the case of problem questions, demonstrating that the candidate can both distinguish cases on their facts, and argue by analogy.

**Low upper second class (Modules: 60-64; LLM Full Year Paper: 120-129; Deals Course written work: 96-103)**

Low upper second class answers are of a good quality, and typically possess many, though not necessarily most or all, of the following characteristics:

- Generally accurate and well-informed;
- Reasonably comprehensive;
- Well-organised and structured;
- Succinctly and cogently presented;
- Providing evidence of reading beyond textbooks and lecture-notes;
- Demonstrating a sound grasp of basic principles;
- Demonstrating a good understanding of the relevant details;
- Displaying some evidence of insight;
- Evaluation of material, though such evaluation may be derivative;
- In the case of problem questions, demonstrating that the candidate can both distinguish cases on their facts, and argue by analogy.

**Lower Second Class (Modules: 50-59; LLM Full Year Paper: 100-119; Deals Course written work: 80-95)**

A lower second class answer generally shows an understanding of the basic principles, but which may contain one or more major errors or omissions.

**High lower second class (Modules: 55-59; LLM Full Year Paper: 110-119; Deals Course written work: 88-95)**

High lower second class answers display an acceptable level of competence, and typically possess all or most of the following characteristics:

- Generally accurate, but may contain one or more major errors or omissions;
• Providing an adequate answer to the question largely based on textbooks and lecture notes;
• Clearly presented, but with no real development of arguments.

Low lower second class (Modules: 50-54; LLM Full Year Paper: 100-109; Deals Course written work: 80-87)

Low lower second class answers display an acceptable level of competence, and typically possess some, but not necessarily most or all, of the following characteristics:

• Generally accurate, but may contain one or more major errors or omissions;
• Providing an adequate answer to the question largely based on textbooks and lecture notes;
• Clearly presented, but with no real development of arguments.

Third Class (Modules: 40-49; LLM Full Year Paper: 80-99; Deals Course written work: 64-79)

A third class answer generally shows a basic understanding of the main issues but is not coherently or correctly presented.

Third class answers demonstrate some knowledge or understanding of the general area, but a third class answer tends to be weak in the following ways:

• Descriptive only;
• Does not answer the question directly;
• Misses key points;
• Contains irrelevancies and/or important inaccuracies;
• Covers material sparsely;
• Assertions not supported by authority or evidence.

Fails (Modules: 39 or below; LLM Full Year Paper: 79 or below; Deals Course written work: 63 or below)

Answers awarded a failing grade typically:

• Contain very little appropriate or accurate material;
• Only cursorily cover the basic material;
• Are poorly presented without development of arguments.

4. Deals Course Class Participation and Presentation (in aggregate 40 of the 200 marks available)

Deals course class participation and the class presentation marks will be aggregated and the following shall apply:

• First Class with distinction (32 or above)
• First Class (28 or 31)
• Upper Second (24 to 27)
• Lower Second (20 to 23)
• Third (16 to 19)
• Fail Mark (15 or below)
A. **Deals Course Class Participation**

Deals course class participation will be evaluated on the basis of the questions, points and issues that students raise in seminars and the quality and relative frequency of answers to questions posed (including responses to questions posed by the lecturer, guest lecturers and other participants).

Class participation awarded a first class will typically meet the qualities expected of high upper second class participation, and in addition excel in many of the following areas (excellence in relation to some of the criteria may compensate for weaknesses in relation to others):

- Thorough, rigorous analysis;
- Clarity of argument and expression;
- Provision of novel insights;
- Well-developed understanding of assigned materials;
- Ample evidence of wider reading;
- Insight into the theoretical and practical issues;
- Critical evaluation;
- Effective promotion of engagement by others.

Class participation meriting an upper second will typically feature regular contributions of a good quality which possess many of the following characteristics (excellence in relation to some of the criteria may compensate for weaknesses in relation to others):

- Generally accurate and well-informed;
- Cogently presented;
- Providing evidence of reading beyond textbooks and lecture-notes;
- Demonstrating a sound grasp of basic principles;
- Demonstrating a good understanding of the relevant details;
- Displaying some evidence of insight;
- Evaluation of material, though such evaluation may be derivative;
- Demonstrating in the case of the application of law and practice the ability to distinguish cases on their facts and reason by analogy;
- Some effort to engage others.

Class participation awarded a lower second will feature regular attendance and typically involve an acceptable level of competence and frequency of contribution, and typically possesses some, but not necessarily most or all, of the following characteristics:

- Typically accurate, but major errors or omissions are present;
- Answers to questions and contributions are based on assigned materials and lecture notes;
- Provision of few, if any, fresh insights
- Minimal effort to engage others.

Class participation meriting a third will typically feature regular attendance and periodic contributions to class discussion which, although of sufficient quality to merit a pass mark:

- Frequently fail to answer questions raised;
- Often miss key points;
• Display only a rudimentary grasp of assigned materials;
• Regularly raise irrelevant points;
• Frequently provide answers that are unrelated to or inconsistent with authority, practice or evidence discussed in class;
• Periodically criticise others unduly and thereby discourage class participation.

A failing mark for class participation will be awarded if the candidate:

• Fails to attend seminars without justifiable excuse;
• Makes little or no effort to contribute to discussions in seminars; or
• Regularly engages in disruptive behaviour that discourages class discussion.

B. Deals Course Class Presentation

Deals course class presentations will comprise in-class presentations participants give on aspects of transactions that they will be analysing by way of written assignments. The presentations generally will be based on documentation, readings and other material presented and discussed throughout the course. The presentations can draw upon work done for the written assignments but this is not required.

Students will be organised into groups for Deals course presentations. The group presentation will be expected to identify and analyse the problems that parties to the transaction in question were facing and to examine critically the structuring and contracting solutions adopted to address those problems. Each student will be individually evaluated on the basis of the criteria set out below, taking into account the difficulty and complexity of the aspects of the transaction that fall within that student’s remit.

Class presentation work awarded a first class will typically meet the qualities expected of high upper second class presentation, and in addition excel in many of the following areas (excellence in relation to some of the criteria may compensate for weaknesses in relation to others):

• Comprehensiveness and accuracy;
• Clarity of argument and expression;
• Integration of a range of materials;
• Evidence of wider reading;
• Insight into the theoretical and practical issues;
• Critical evaluation;
• Promotion of discussion with and engagement and interaction with guest practitioners and other members of the class.

Class presentation work meriting an upper second will be of a good quality, and typically possess many of the following characteristics (excellence in relation to some of the criteria may compensate for weaknesses in relation to others):

• Generally accurate and well-informed;
• Reasonably comprehensive;

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1 For each of the transactions covered in the Deals Course there will be a presentation on the transaction, typically by a group of six students. Each student will present on different aspects of that transaction to the class and guest practitioners.
• Well-organised and structured;
• Succinctly and cogently presented;
• Providing evidence of reading beyond textbooks and lecture-notes;
• Demonstrating a sound grasp of basic legal principles;
• Demonstrating a good understanding of the relevant transactional details;
• Promoting interaction with guest practitioners and the class by raising discussion points or by engaging others.

Class presentation work awarded a lower second will typically display an acceptable level of competence, and typically possess some, but not necessarily most or all, of the following characteristics:

• Generally accurate, but may contain one or more major errors or omissions;
• An adequate analysis of an aspect of the transaction largely based on textbooks and lecture notes;
• Clearly presented, but with no real insights or development of arguments.

Class presentation meriting a third will typically demonstrate some knowledge or understanding of the general area, but a third class answer tends to be weak in some or many of the following ways:

• Descriptive only where deeper analysis was expected;
• Failure to engage with various fundamental aspects of the transaction;
• Misses key points;
• Contains irrelevancies and/or important inaccuracies;
• Covers material sparsely;
• Assertions inadequately supported by legal authority, course materials or evidence of business practice.

A fail mark for a class presentation will be awarded if the presentation is either not given without justifiable excuse or is seriously deficient in one or more of the following ways:

• Contains very little in the way of appropriate material;
• Is not organized coherently;
• Contains numerous inaccuracies;
• Reveals a failure to grasp the essential features of the transaction and relevant legal principles.