UNIVERSITY OF CAMBRIDGE, FACULTY OF LAW
LAW TRIPOS AND LL.M. EXAMINATION
MARKING CRITERIA

(Please note that this is currently subject to review)

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, but examiners are reminded of the requirement 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 applied to the LL.M. Examination in the context of the LL.M. as an advanced degree.

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 (160-200)

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 (140-159)

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 undergraduate, or, as appropriate, for an LL.M. student.

High first class (150-159)

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 undergraduates, or, as appropriate, by LL.M. students.

Low first class (140-149)

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 (120-139)

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 (130-139)

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 (120-129)

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 (100-119)

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 (110-119)

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 (100-109)

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 (80-99)

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 (79 or below)

Below the Third Class a mark of at least 35% in a Foundation Subject may be significant in making an application to the Law Society or Bar Council for exercise of their discretion in exceptional cases to allow a fail to be condoned. Answers in this region show just sufficient information to indicate that the student has a general familiarity with the subject area. Such answers typically:

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