Pupillage Application Assessment Criteria and Marking Scheme 2025

- Total marks available: 100

- We ask that markers review the narrative answers before grading the rest of the application form.

- "Extenuating circumstances" answer not to be separately marked but to be taken into account in the overall scores given.

- References are not taken into account at this stage.

- Mark ranges:

  o Outstanding: 90-100

  o Very good: 60-80

  o Good: 30-50

  o Anything below good: 10-20

- Markers are encouraged to use the full range of marks, including half marks where appropriate.

Assessment criteria

- Applicants will be assessed by reference to the following criteria in the competency matrix (found here), weighted as follows:

  o Advocacy and communication skills (written) – 20

  o The potential to become an outstanding oral advocate – 20

  o Intellectual ability and capacity for legal reasoning – 40

  o Organisation, personal qualities and interpersonal skills – 20

Guidance and marking scheme for the narrative questions

Q1. A clause in a commercial (business to business) contract provides:
"The seller's maximum aggregate liability to the buyer under or in connection with the contract, including any liability arising out of or relating to the performance and/or breach and/or termination of the contract, shall in no case exceed £1 million."
The clause is expressly stated not to apply to claims for personal injury or death caused by the seller's negligence or breach of statutory duty. Assume that the Unfair Contract Terms Act 1977 does not apply.

In your view, does this clause cap liability for a negligent misrepresentation made by the seller that induced the buyer to contract? Please explain the basis for your view in no more than 500 words.

- The purpose of this question is to test:

  o Written advocacy and communication skills

  o Intellectual ability and capacity for legal reasoning

- An outstanding answer:

    - Is clearly, logically and succinctly expressed
    - Applies the relevant legal principles with a level of explanation appropriate for the word limit
    - Makes a persuasive case for the conclusion reached
    - Concentrates on the most important points
    - Can easily be understood by both lay and professional readers

Q2: Please explain in no more than 500 words how you have the potential to become an outstanding oral advocate. **Please provide examples to support your answer to this question. You may wish to structure your answers using the STAR (Situation, Task, Action Result) method, which you can read about online.**

The purpose of this question is to assess your potential to become an outstanding oral advocate. The qualities of an outstanding oral advocate are set out in item 2 of the attached competency matrix.

- An outstanding answer to this question:

    - Uses 2-3 narrative examples drawn from the candidate's personal experience that provide compelling evidence that the candidate has the qualities required to become an outstanding oral advocate.

    - Gives examples that are structured using the "SOAR" answer model, i.e.:
        - Describes the situation the candidate faced
        - Explains the obstacle the candidate faced
        - Explains the action the candidate took
        - Describes the result of the candidate's action

    - Does not merely repeat information contained elsewhere in the application form. For example a candidate who gives an example based on their performance in a mooting competition might explain how they made their oral argument effective or how they responded to hostile interventions in a persuasive way. This will be more effective that stating the fact that the candidate achieved a certain result in a particular mooting competition.

- You should choose examples that evidence a range of qualities required of an outstanding oral advocate, however:

    - You do not need to give examples that evidence all the qualities of an outstanding oral advocate listed in the competency matrix;

    - You do not need to cross-refer to the competency matrix

- You do not need to choose examples from a legal setting. You could, for example, describe a situation where you orally persuaded someone of something in a serious setting, and how you did so.

- Many candidates will have had similar experiences, e.g. making oral presentations at university or in a workplace. An outstanding answer will avoid generic examples of such situations, or if they are chosen, will demonstrate a unique perspective and a genuine insight as to the candidate's outstanding quality.

Q3: Please explain in no more than 500 words how you have the organisational skills, personal qualities and interpersonal skills to become an outstanding barrister. Please provide examples to support your answer to this question. You may wish to structure your answers using the STAR (Situation, Task, Action Result) method, which you can read about online.

- The purpose of this question is to assess your organisational skills, personal qualities and interpersonal skills. The qualities we are looking for are set out in items 6 and 7 of the attached competency matrix.

- An outstanding answer to this question:
    - Uses 2-3 narrative examples drawn from the candidate's personal experience that provide compelling evidence that the candidate has outstanding organisational skills, personal qualities and the interpersonal skills required to become an outstanding barrister.

    - Gives examples that are structured using the "SOAR" answer model, i.e.:
        - Describes the <u>situation</u> the candidate faced
        - Explains the <u>obstacle</u> the candidate faced
        - Explains the <u>action</u> the candidate took
        - Describes the <u>result</u> of the candidate's action

    - Does not merely repeat information contained elsewhere in the application form. For example a candidate who gives an example based on holding a position of responsibility within an organisation will perform better by giving an example of a specific situation in which they demonstrated the qualities being assessed rather than simply stating the candidate held the position and what the role required.

- Candidates should choose examples that evidence a range of qualities set out in items 6 and 7 of the competency matrix however
    - You do not need to give examples that evidence <u>all</u> the qualities of an outstanding oral advocate listed in the competency matrix;
    - You do not need to cross-refer to the competency matrix

- Candidates do not need to choose examples from a legal setting. You could, for example, describe a situation in which you demonstrated particular integrity, or describe how you handled an unexpected or particularly pressurised situation.

- Many candidates will have had similar experiences, e.g. of meeting essay or work deadlines, or juggling multiple commitments. An outstanding answer will avoid generic examples of such situations, or if they are chosen, will demonstrate a unique perspective and a genuine insight as to the candidate's outstanding quality.