

Example Candidate Responses Paper 1

Cambridge International AS & A Level Law 9084

For examination from 2017



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Introduction

The main aim of this booklet is to exemplify standards for those teaching Cambridge AS & A Level Law 9084, and to show how different levels of candidates' performance (high, middle and low) relate to the subject's curriculum and assessment objectives.

In this booklet candidate responses have been chosen from June 2018 scripts to exemplify a range of answers.

For each question, the response is annotated with a clear explanation of where and why marks were awarded or omitted. This is followed by examiner comments on how the answer could have been improved. In this way, it is possible for you to understand what candidates have done to gain their marks and what they could do to improve their answers. There is also a list of common mistakes candidates made in their answers for each question.

This document provides illustrative examples of candidate work with examiner commentary. These help teachers to assess the standard required to achieve marks beyond the guidance of the mark scheme. Therefore, in some circumstances, such as where exact answers are required, there will not be much comment.

The questions and mark schemes used here are available to download from the School Support Hub. These files are:

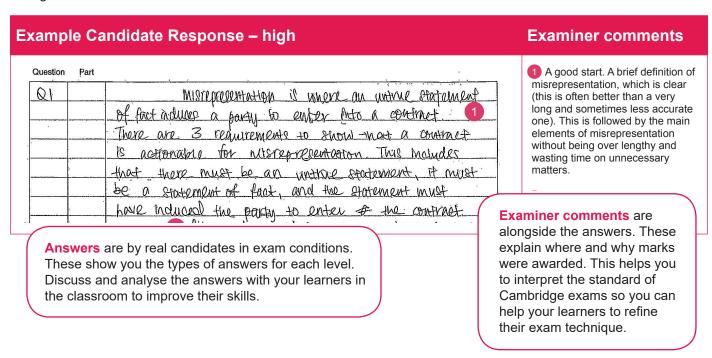
June 2018 Question Paper 12

June 2018 Paper 12 Mark Scheme

Past exam resources and other teacher support materials are available on the School Support Hub: www.cambridgeinternational.org/support

How to use this booklet

This booklet goes through the paper one question at a time, showing you the high-, middle- and low-level response for each question. The candidate answers are set in a table. In the left-hand column are the candidate answers, and in the right-hand column are the examiner comments.



How the candidate could have improved their answer

This was an excellent response, which used a wide range of illustrative detail and sound definitions. Three maxims were identified and explained, each remedy was explained with a relevant case, including the more recent Anton Pillar and Mareva injunctions.

This section explains how the candidate could have improved each answer. This helps you to interpret the standard of Cambridge exams and helps your learners to refine their exam technique.

Common mistakes candidates made in this question

Candidates who fared less well in this response often made the mistake of offering responses based on custom and the Anglo Saxon system of law, rather than concentrating on the creation of Common Law and the way in which Equity was formed to solve problems. Poorer responses also contained far too few example citations for the maxims and particularly the remedies. Concepts such as trust, mortgages and deserted wives' equity could also have been used.

Often candidates were not awarded marks because they misread or misinterpreted the questions.

Lists the common mistakes candidates made in answering each question. This will help your learners to avoid these mistakes and give them the best chance of achieving the available marks.

Question 1

Example Candidate Response – high **Examiner comments** Question ce Equity is based on fairness. Describe Du development of Equity and assess how for the statement above is 1 Q.1 1 It is not necessary to rewrite the question as it wastes time; the question number will do. The Question statement states that Equity A good concise historical account setting the scene for the rest of the answer. 3 Points out the issues making a valuable early evaluative point.

Example Candidate Response – high, continued **Examiner comments** Question and based his rules on the principles rather Chan De 4 Good use of case law to illustrate the point. 5 Returns to the essence of the question here. V and C Builders Ltd a: couple de lay

Example Candidate Response – high, continued **Examiner comments** Question Part[.] 6 Three maxims clearly explained with good case illustration, again always linking the response to the question. Remedies are well defined. Using cases to illustrate them lifts the answer into the upper bands.

Example Candidate Response – high, continued Examiner comments Question Part 8 The candidate here moves on to discuss equitable concepts beyond maxims and remedies. Each area is well explained and links the evaluation to 'fairness'. 9 An interesting comparison here with Common Law making a good evaluative point, without allowing the answer to tip into irrelevant material.

imple Candid	ate Response – high, continued	Examiner comments
dan fro Sen Can Mas John Case Sen Can Lan Lan Lan Lan Lan Lan Lan Lan Lan	sures one not available with to withy. However, even of the all this, to guilty be said to be tain as it missentes the ness of the Common law and gives induct nights as postplated by Ronald Dworld heory of Legal Interpolarism and to	10 A good counter argument here well-reasoned. Total mark awarded =

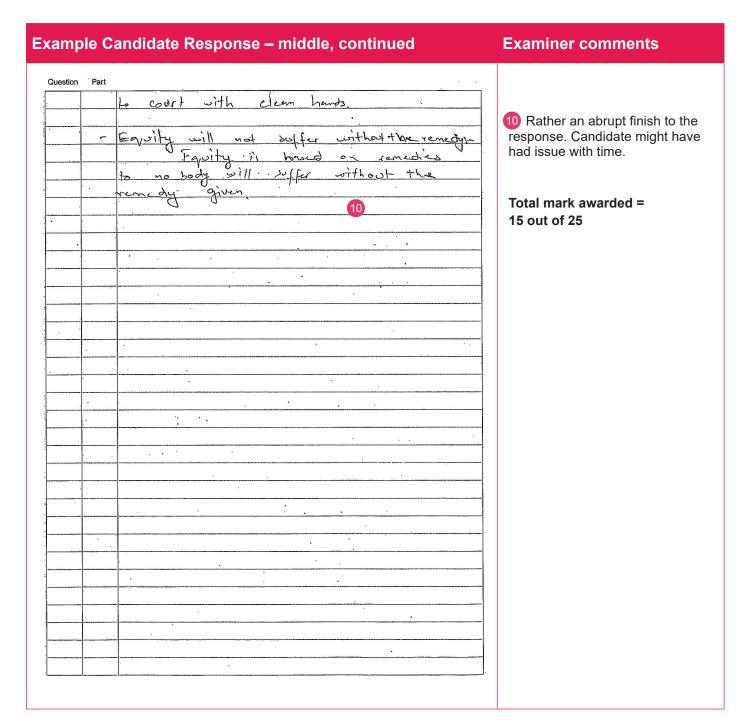
This was an excellent response, which used a wide range of illustrative detail and sound definitions. Three maxims were identified and explained, each remedy was explained with a relevant case, including the more recent Anton Pillar and Mareva injunctions. The response included an account of deserted wives' equity and mortgages. Evaluation was wide ranging and well-integrated within the answer with a clear eye on the issues at all times. The candidate also made valuable comparisons with Common Law and showed a real attempt to answer the question.

Example Candidate Response – middle Examiner comments Question 10 proside -The prevail equity Rather a brief historical account, although the candidate does make some valid evaluative points. 2 It is better to avoid sub headings in essay work. It can disturb the flow of an argument and lead to a 'note-like' response which may lack evaluative content. 3 Whilst some credit can Warner be given for a case which is described rather than cited, it is always better to give the case name.

Example Candidate Response - middle, continued **Examiner comments** Question Part order the person 4 A slightly confused explanation and the remedy is misnamed. Realision: Correct the where. 5 Remedies are very briefly happined explained. Some case illustration here would gain higher marks. are different conflicts between the load chancellor chancellor made sure. HAir . Earl's Case in 1616 the Common law.

Example Candidate Response – middle, continued **Examiner comments** Question Part Remedies: orders (Harcua Injunction) and Searching 6 Whilst the introduction of recent remedies is valid, the candidate seems to have forgotten that the question centres on fairness rather than modernity and is writing a response to a slightly different question. They miss an opportunity to gain any evaluative kingdom co credit. Orders :claimant . coold Sccause in this time 7 This could have been a good element to discuss, but the concept is not really fully maxims explained. to provide

Example Candidate Response – middle, continued **Examiner comments** Question Part 8 Again, the case is not cited and the facts are inaccurate. No real link to how this promotes fairness. Court most and. 9 A good case to discuss and here the candidate does make reference to the idea of Equity supporting fairness.



The candidate opened with a rather brief historical account; more could have been made of the issues arising from the Common Law system which triggered the creation of Equity. The candidate used sub headings throughout which would tend to limit the ability to evaluate the issues. There was a lack of well-cited case illustration and some areas were poorly explained, often in a rather colloquial way. There was some content which was well explained and the candidate does offer a range of material. However, the evaluative aspect was largely lacking and this made achieving marks in the upper bands unlikely. Towards the end, the response became increasingly note-like, perhaps indicating poor time management. The response ended with no real conclusion.

Example Candidate Response – low	Examiner comments
1. The English legal system consit of Common Cons and Equity when the everyonal first congress of Company when the everyonal prist congress of the land. They of also the hundred legal court which were gradually over taken by the new royal carts legal system. I gurly consists the mother of conscience of the was also the provide co of land 1 chancellor. I was also the provide co of land 1 chancellor. When the Normans congunal England, william set up a proper feeded system which made his follows mayor land also grant land to their terans.	1 It would be better for the candidate to expand on this point a little. 2 These points are not directly relevant to the issues in the essay.
to there tenans	

xample (Candidate Response – low, continued	Examiner comments
Question Part	Cocal disputer. In the case of Ecols of Ontond above there was a conflict between Common Cow and equity and if was discuss that Equity shell alway pur prevail ones. Common low. In the case of Sing Prelly the Common Common low. In the case of Sing Prelly the Common Common low. In the case of Sing Prelly the Common Common low they left if up to the parliament to whether the legalise marry killing or not. However, in the case ANITH V BLANN) the gudge steep seemed to go against this common low and when they allowed to discontinue tiple support for a person in a president vegetative state.	3 The candidate does not really explain how Equity came into existence. 4 These cases are not examples
	auscontice upl Seeffest for a person a	4 These cases are not examples of Equity.
AUNEO	for maritel rape The gidge believed that if was Empetent to Save wives from assertive husbands.	

	andidate Response – low, continued	Examiner comments
Question Part		
	This shows thent Equity will provide gustice	
	where ever it is needed:	
	In the case of PATON V BPAS Ondy Common	
	Low an unborn fetus has no legal	
	vigues until it is born alive. In this	
	case the father could not stop the	
	nother from having an abortion abortion.	
	Howeve the grages seemed to go against this	
	principle on the case of RES where	
	the he ferred the wife to go water	
	Sergens in order to save her man and the	
	basy's who it was decided that the wheel	
	of the bale shall alway percel over	
	The ontered of the mother 5	5 Again, cases are not relevant
	The state of the s	the question asked.
	In I and C Builders V Rees the courtable	
	maximum stitled that "he who Comes to	
	Equity sta must come was with class	
	hands on	
	(and (b)	6 Here the case is relevant, but
	trether Egy Epichable manimum States that	not explained.
	and the second	· ·
	Clay defeat Equity"	
	Equity developed due to some unsatifuetary	
	feethers of the commen con.	
	Common les can had alot of pribery	
	and conseption & case in common law	
	east could not Start without a	
	writ	

Example Candidate Respons	e – low, continued	Examiner comments
Question Part Structed The S Juck a five a The writ was must eitler Yesign himsel	inalles procedured hitched l error Hat ment theil involid and the litigat only for a new one or from fring giving up the Courts wood & ging which wed And the only remades has was man damages. el its remedies which were	7 These points are relevant but rather oddly placed, perhaps better at the beginning of the response.
do Something, do Something, Cernst telling Recession, putting Recession, putting which mad contract and position pefere gn C V DPP Tapp Under Common could not be the gadge left bring about to The Partiment Act 1993 and held Ciastle for More over in service	Specific perfermant, a yen to probeform the content Things right and refribention one onems to concel the fut the party back to their making the content. 8	8 Here, the candidate does begin to offer relevant content but the definitions are vague and often inaccurate. 'Retribution' is not an equitable concept, perhaps the candidate is confusing it with 'rectification'. 9 Again, irrelevant content.

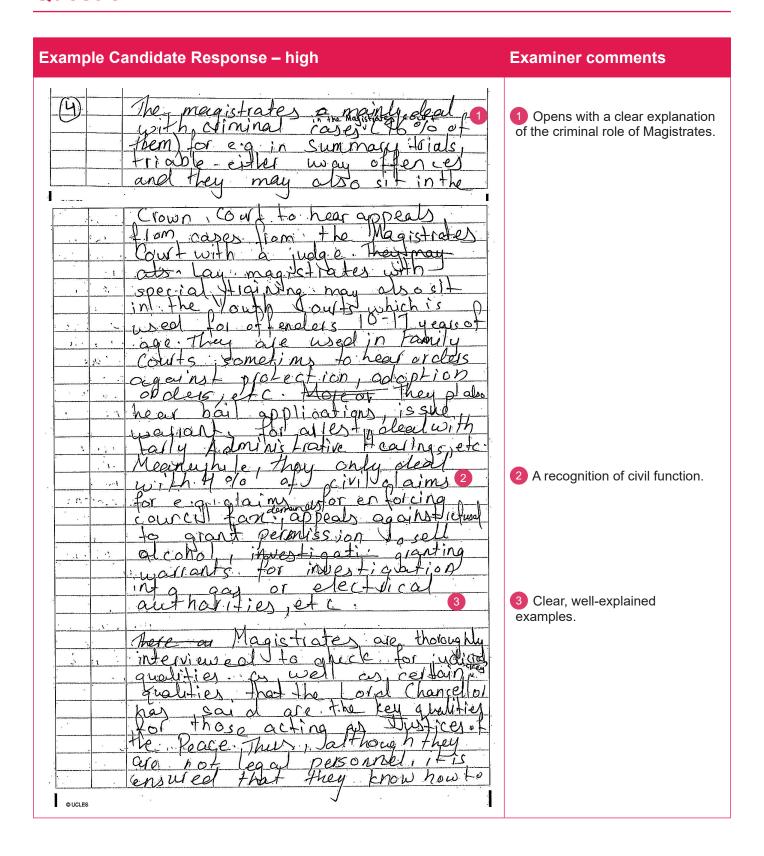
Coostion Part Coostion Part Auction and told for the wring property Pleas formance against him Howary the Informacis to eve evidence against him Country also if tobodied the co-concert A side give movey to far the year and to fully explained or linked to the evaluative aspect of the question. The cost south told the many instead the cost of the first and they send to far her toned the cost south told the many instead The cost south told the many instead The cost south for the many instead Total mark awarded = 9 out of 25

The candidate produced a rather confused account of the issues. A lot of the case citation was irrelevant and cannot attract credit; candidates must ensure that they offer relevant and well-explained citations to illustrate their answers. The definitions of legal terms were weak and sometimes inaccurate. The candidate also failed to grasp the evaluative aspect of the question and little commentary was offered beyond occasional mentions of fairness and justice. This response required better planning and the appropriate areas of law needed to be carefully selected.

Common mistakes candidates made in this question

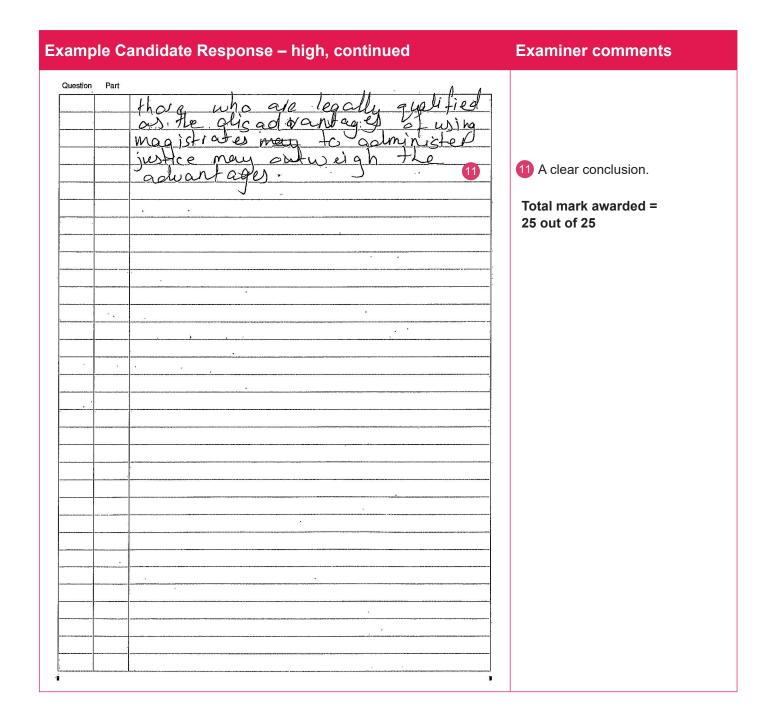
Candidates who fared less well in this response often made the mistake of offering responses based on custom and the Anglo-Saxon system of law, rather than concentrating on the creation of Common Law and the way in which Equity was formed to solve problems. Poorer responses also contained far too few example citations for the maxims and particularly the remedies. Concepts such as trusts, mortgages and deserted wives' equity could also have been used to illustrate fairness. On the whole, candidates tended to ignore the command in the question, often offering responses based on modernity (which had been the topic in previous papers). It is essential that candidates use material to illustrate the evaluative requirements of the question before them.

Question 4



Example Candidate Response – high, continued Examiner comments Question 4) An explanation of qualifications but made relevant to the question by linking it to competency for the role. 6 A good evaluative point. 6 A very well extended and reasoned evaluative point using a fact (residency) to discuss the issue. More good evaluation. Cambridge International Examinations is part of the Cambridge Assessment Group. Cambridge Assessment Group.

Example Candidate Response – high, continued Examiner comments Question Part (4) 8 Another well extended evaluative point supported with statistics as evidence. More thoughtful evaluation. 10 Evaluation supported by evidence.



This was an excellent answer. The candidate covered a range of both the civil and criminal role of the lay magistrate in some detail. Where factual information concerning issues other than role, (e.g. qualities, training) was relevant, the candidate used it well to support evaluative points, thus gaining credit. The evaluative points were well structured and used evidence to support the points made. The candidate offered arguments on both sides and drew a sensible conclusion.

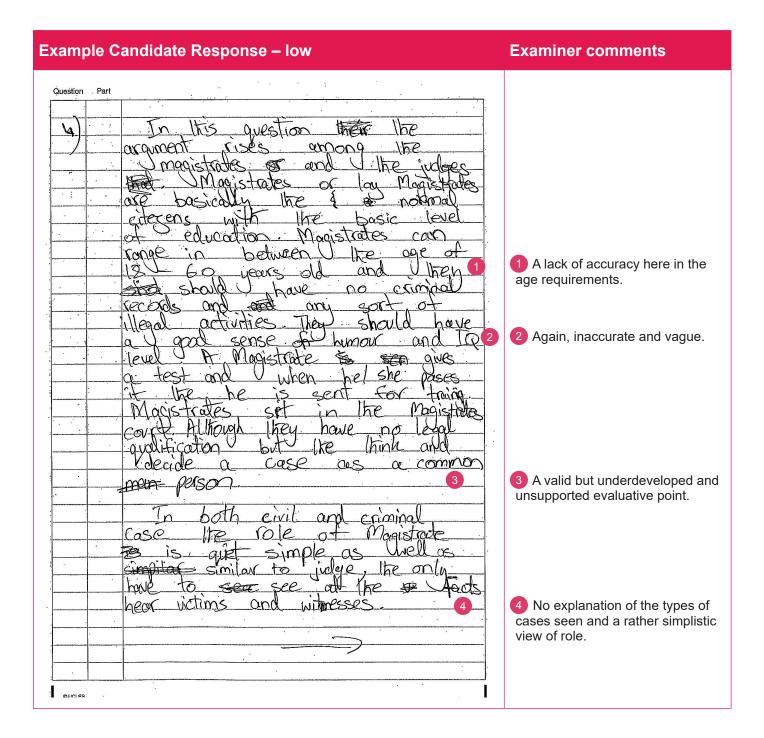
Example Candidate Response – middle **Examiner comments** Magistrates people_ who ore Lay participate qualitied the magistrates Magis trates court, and sometimes ond A rather brief introduction. famile court oppointed Senior recommendation Presiding. Judge with trom Dassess. qualities Set that magistrates character 9.000 socially hove judgement, 2 The focus of this question is temprement on the role of the Magistrate, so Committed reliabe. much of this material cannot be magistrates trained given a lot of credit. It could have depot ment magesterial been made more relevant by mogistrates linking it directly to the evaluative aspect of the question; for example, do these types of people hos do the job well? Ond 3 Again, a missed opportunity. mogistrates magistrates Whilst training is not the main can focus it could be linked to proving MI that the fact that magistrates are unqualified is not strictly true. magistra te commitment The re moved © UCLES

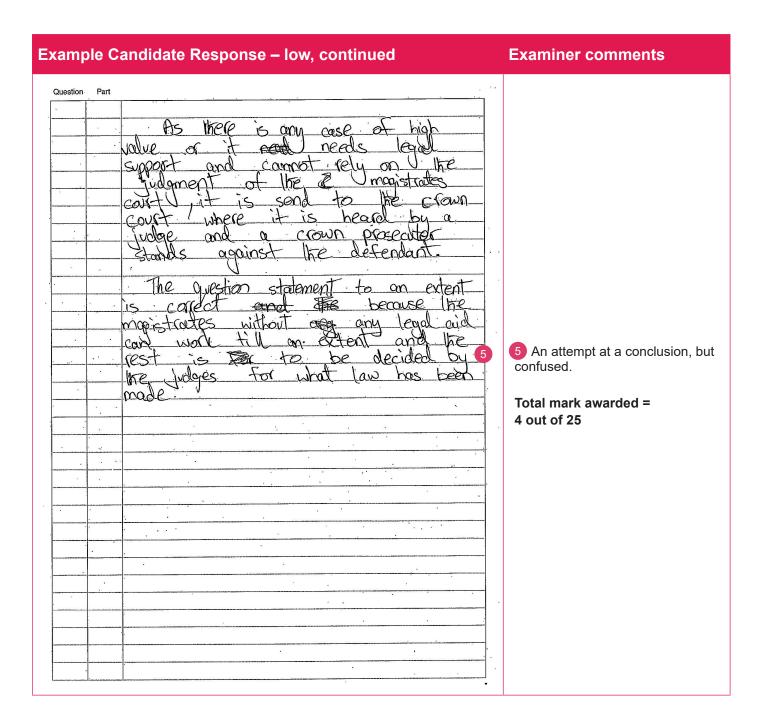
Example Candidate Response - middle, continued **Examiner comments** Question incomp etence they do not OY time proper Serious criminals discharged Don Krupts members forces people police troffic a/ eligible Supposed become magististe Close relatives may Some bench Magistrates and Caser p rest of 51+ preliminary hearings. _41_ Administrative France Folly remond Theoring, proceedings they with Cases children between 10-17. One magistrate 15 5:4. youth court Can 02/10 Cores. Magistrates worronts 4 A good range of detail here on conduct Administrative Hearings criminal role. 1 here sit nogistra des in magistracey the eximinal The judictory 08 magis trates cf as compored 23% the judicion 8.% the magnstrates belong 5 Well supported evaluation with eth inic only minerty where as

Example Candidate Response – middle, continued **Examiner comments** Question magi trates the judiciary Magistra tes used wolk. cest ste judg &i 6 Balances the argument with detail of disadvantages. as magistrates magistrates 0+ middle Cal above police magistrates vates. well CM making.

mple Candidate Response – middle, continued	Examiner comments
porte Forrely (1992) the clerk to instruenced the decision of the magis trates thus the conviction was guashed, Magistrakes may not be legally and incomplete cases but they give their world be that what a common man believes should happen the magistrates have lead Is natuled ge at their area and many give judgement according to what they believe is right in their area.	7 Good use of case law here. 8 Returns to the question with a good summary. 9 Candidate has failed to address the issue of civil role in any detail. Total mark awarded = 17 out of 25

The candidate had produced a well-structured answer. The material selected was generally relevant, but there were missed opportunities where the candidate could have used information about qualification and training to make valid evaluative points. Additionally, the candidate had failed to address in any detail the civil role of the magistrates. The evaluative content was well supported with evidence in statistics and cited case examples.



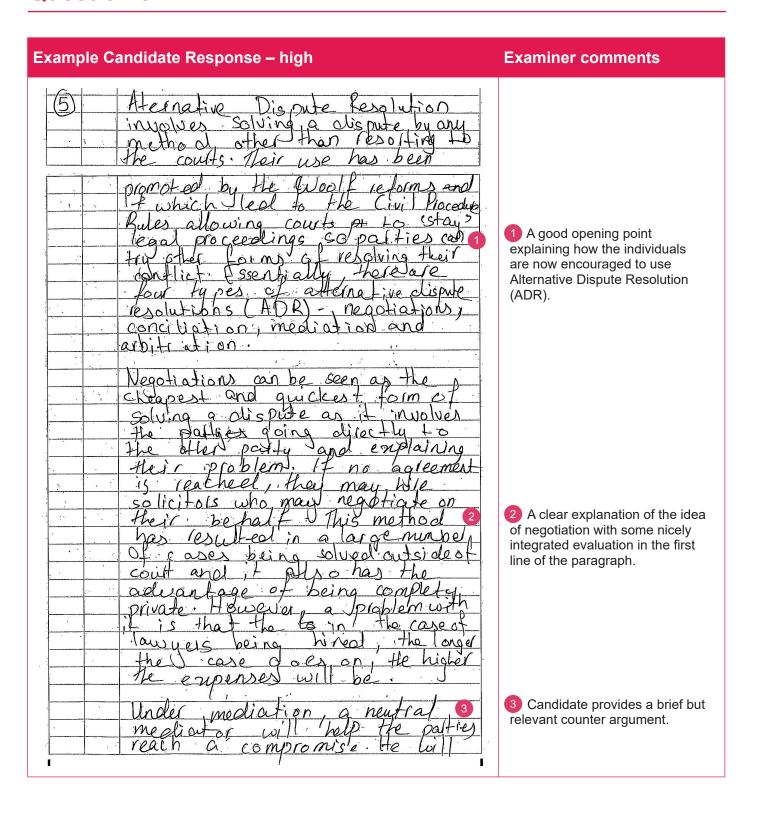


This was a very brief response. The candidate failed to accurately explain the role in either civil or criminal cases. There were brief points of factual content, but these were largely inaccurate or incomplete. The evaluative content was minimal and unsupported.

Common mistakes candidates made in this question

The question focused clearly on the role of the Magistrate in civil and criminal cases. Many candidates considered one at the expense of the other or produced an imbalanced response in this area. Other candidates also included material on qualification or training which was presented purely factually. This could only address minimal credit. However, it could have been made more creditworthy if candidates had linked it in some way to the evaluative elements. Weaker candidates also provided evaluative material which was unsupported by statistical or case evidence and thus could not be fully credited. In this type of question, it is essential to ensure that evaluation addresses the issues within the question and is not presented merely as generic advantages and disadvantages.

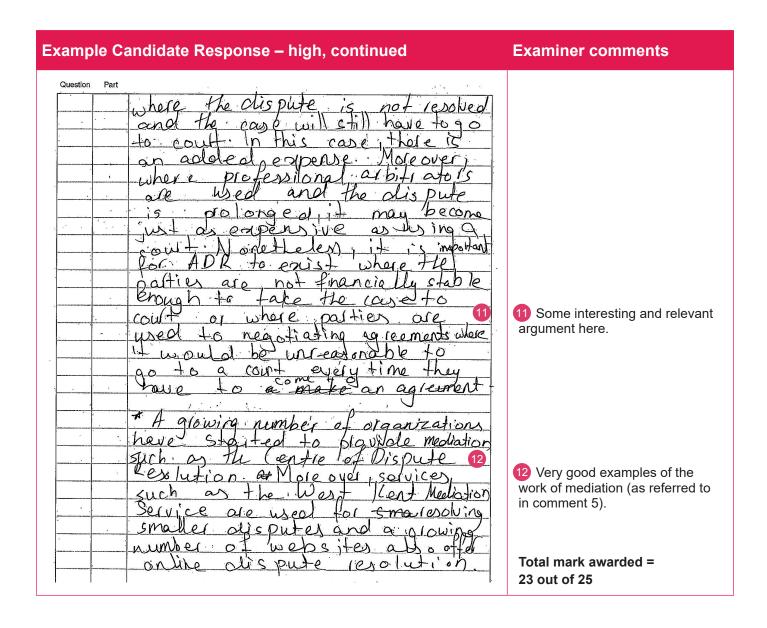
Question 5



Example Candidate Response – high, continued **Examiner comments** Question Part 4 A thorough explanation of mediation. 5 Good levels of detail on the more formalised method of mediation, later supported with an example. 6 A well-expressed evaluative weisdial point showing understanding of the problem of using the court. caus

Example Candidate Response – high, continued Examiner comments Question Part 7 Conciliation explained but a little brief and lacking in focused evaluative points. 8 Candidate uses both an Act and a Case to explain arbitration well. WIND EG

Example Candidate Response – high, continued **Examiner comments** Question 9 A clear and very detailed explanation of the workings of arbitration. λ,Α, 10 Well discussed evaluation of arbitration.



This was a very good answer covering all of the types of ADR with usually focused evaluation. The candidate used the Woolf report to explain the problem and discusses negotiation, mediation and arbitration in some detail, usually with excellent supporting examples. Most impressive was the way the candidate focused on evaluation within each type of ADR rather than giving a generic 'advantages and disadvantages' commentary. There was a slight weakness in their dealing with conciliation which felt a little rushed and might have benefited from a little more individualised evaluation.

Example Candidate Response – middle **Examiner comments** (5) Alternative methods are referred to as ADR' which Dispute Resolution. This Stands for Alternative any method of resolving a dispute without rescribing to using the counts: includes cases kauging from a very informal negotiation to a compositively formal commercial albitiation hearing. Methods helps in solving 1) A good opening paragraph, but in family confricts, personal perhaps examples might be better injury matters etc. saved for each specific type of Various types of methods are used in resolving ADR. disputes such as negotiation, mediation, conciliation and arbitration. In negotiation, the person having No real need to list the types dispute with another person can directly as they will be addressed later in the response. the matter by negotiating with them. This has the advantage _01___ being completely private that can be used. If the person does not come to an agreement They may Solicitoe. The solicitues will then try to negotiate the matter Even when the have been commenced. The lawyers may negotiate on behalf of the client. Once lawyers are involved, there will be a cost 3 A good account of negotiation with some well-integrated a method, in which the third evaluation. However, it might be neutral party heips the other two parties to good to have some examples of reach a compromise solution by admying offer the type of case which might use to and Juan while keeping The third party will not give suggestions and only listen to the point of view of the other parties. It is the fol of the neutral party to act as a facilitative. Even

Example Candidate Response – middle, continued

Examiner comments

	there are centres of resolving matters such as
	centre for dispute resolution Many cases are
	referred to those ecuties. It is said that
	80 percent of the cases are resolved by two
	procedure. But there is a disadvantage tou.
	the There is no guarantee if the matter vil
	be resolved or not in addition; take it will
	then he necessary to take the case to the
	court and then there will be delay and
	cost it will cost more. There are a service
	which deal will smaller disputes as well.
	such as neighborn issues. It freely bandles the
	case. The neutral party will listen to the
	matter puri the party who made the compla
77	and if that party agrees, neutral party will
	see the point of view of the other party.
	iff both the party ofree. The meeting will
	be set at a neutral place both the
	parties are in control and can withdraw
	augline they want
	Third method is conciliation, this method is
	the same as mediation. But the moun
	difference is in mediation where the twird
	party solves the matter without suggesting a
	solution. B. Whereas, in conciliation, the neutral
	party herps to resolve the case by suggesting
	a solution.
	Last method is arbitration, this method helps
	to resolve the case in a way that both the
	partles agree to let the third neutral
	party take a binding decision. They both
	have to Jollon it. 6

- 4 A good account of mediation but again it would be useful to have some real-life examples or more detail on the situations in which it might be used.
- 5 Rather too brief here on conciliation and lacking any evaluative commentary.
- 6 A very weak account of arbitration with no detail on how it works or any case or statutory citation.

Example Candidate Response – middle, continued **Examiner comments** Question Part There are many advantages of ADR, The method is dreap because the care can be resigned by these methods and there is no use of going to the court. The method are not complicated and easy to access to Moreover "practical in nature without complicated rules of evidence. There is uniformity in law However, Here are disadvantages too. For I the moderat is not resolved by there methods then it is necessary to go to const which lead in he delay of hearing and the 7 Very generic evaluation, not case to be solved over though; it really focused on each type and expensive too. unsupported by any evidence. Besides there wethods, the use of Anbunals also very important. 8 As tribunals, in this instance, are readed is by the judge in order are not really an alternative (as for the people to enforce their entitlement claimants must use them in to certain social gight. Unlike alternative certain types of dispute) this material cannot be credited. methods, the parties decide not to use the court . In frisinal cases, the you cannot to to the court and use triunali instead court proceedings. Each tailbunal uses different procedures which made the system very complicated and comprised The system reformed by the Tribunals, courts and & Act 2007 which changed the Enforcement system of tribunals. 19th Tribuncis enforce rights such as, the allowance of mobility service to these Auto are too disabled to walk for more than a very short distance. The allowance of payment to those who are made redundant from work lastly. The right not be discriminated

Example Candidate Response – middle, continued **Examiner comments** Question Part against one's sex, race age or disability. These a few things tribunals deal with. two types of tribinals are. The first-ties tribunal, it consists of 200 judges and 3800 lay member: It deals with 300, 000 cases each year. It operates in seven chambers, gome of their are Taxation charber, Asylum and Inimigration champer, social antitlement Chamber, Health, Education and locial care, Chamber etc. type & operates in Jour Such as; Tax- and ... Chancery chamber Chambers The tribinals cases are beard by the tribunal judge on the tribunal judge with expests also called The advantages of tribunals are. It is dvice as no count proceedings. Very Cheap because cost and no courb cost or expenses. Infirmality etc The disachanteges are that there is lack of Alternative methods as the client. case premoelves whice in make it there are many cases to dead with soil 9 Again, the evaluative material is difficult to iget a Late for bearing. on Tribunals is not relevant to this question and cannot be credited. Total mark awarded = 15 out of 25

How the candidate could have improved their answer

This response started well with a good account of negotiation and mediation with well-integrated evaluation and clear definition. However, the content on conciliation was quite brief and arbitration was not really explained at all. The candidate offered rather generic advantages and disadvantages of ADR in general. This response spent too long on the discussion of tribunals, which was not strictly relevant to the question.

Example Candidate Response – low **Examiner comments** (ADR' ANS The term etands for Alternative dispute Br resolution and they considered to be a very important 1000 in the United kingdom. tries to convince conc parties that they should go for an courtagreement and gring or Starling a should be the last 1) A clear opening paragraph, but ways in which ADR gives no idea as to why using a effective and court should be a 'last resort'. methods. Rom is Negociation. This Q 900d very to settle 1 out die Dules court because V in a room come to negocial and fere is a Derson sitting with than to help in headiciations. Both parties try to 99 reement reach an without court case. top start a 2 Not a clear definition of negotiation - inaccurate as there The second form of ADR is mediation, Mediation means that both partie does not need to be a third-party that both parties present, but the response does are called and then a person show a general understanding. with them but does not speak a work or - Relp them . He simply

Example Candidate Response – low, continued **Examiner comments** Question them and notes down the details. effective is also a very privossi dispuls 3 Again, a rather sparse parties definition, not wholly accurate and no real explanation as to when Dispute it would be used. The evaluative effective in and comment is not supported or because it helps to explained in any way. civil cases keep out the low Drofile cases to court can because going become a important -Felos to trat Service So 4 Quite a confused paragraph should be considered with no clear evaluation and the resort. use of slang terms e.g. 'hassle'. considered to be a very USeful phenomehon in English because goma as the last Should Considered resort because expensive it is to take the case to coun Consuming is very as COUTES ·a time V eansuming Fave things to resolve and a heave morkload ADR SO which do not have the low grade coses evidence to proceed court. herefore Disputs and their resolution are extremely effective in 20110 5 Some limited creditable Civil resolving evaluation, but repetitive and courts co it soves unfocused on the various types of ADR.

xample Candidate Response – low, continued	Examiner comments
Convenience of the courts in the Entis- English Legal system in the United Lingdom. 6	6 No real conclusion. Arbitration and conciliation are not addressed at all. Total mark awarded = 9 out of 25

This was a very weak response. It failed to address two of the types of ADR and the types which were considered were brief and often inaccurate. The evaluation was brief and entirely unfocused. To improve, the candidate should have explained why there was a need for ADR and then discussed all four types with focussed evaluation for each.

Common mistakes candidates made in this question

Many candidates included material on Tribunals which was not relevant for this question. This inevitably decreased the marks available. Additionally, some types of ADR were often just briefly explained, without real explanation or example of their use. Evaluation in this type of question needs to be clearly focused on each type of ADR and not presented as a generic 'advantages and disadvantages' response.