

## Request from UM Valletta Campus

Many of our colleague examiners pick up their packets of scripts from UM Valletta Campus (VC), and return them to the Faculty of Laws via VC as well. There is no problem at all with this, but the Faculty of Laws were asked to remind examiners of the importance that returned scripts are handed in, in sealed envelopes. Unfortunately this is not always the case and, in such cases VC will not assume responsibility and consequently actually refuses to accept the scripts e.g. if the examiner or their representative hands in the exam scripts in a plastic bag.

On our part, we appreciate all the effort and sacrifice that goes into correcting literally hundreds of scripts, and the last thing we want to do is hear that an examiner was turned away when he / she tried to return the scripts to us via VC, but it is a question of confidentiality and ensuring the security of the documents being handed in. Therefore please make sure that said scripts are returned in sealed envelopes.

## External Examiner's report on PBL1015

This month the Public Law Department made history, by actually engaging an external examiner to review PBL1015 (Constitutional Law). What follows is a reproduction of the salient observations, which the PBL Department will be taking on board, but which might also serve as food for thought beyond the particular study unit:

### *1. Examination Papers*

- 1.1. The questions set on the 2024 examination paper are good. They are also varied insofar as they assess students on multiple aspects of the course. ....*

- 1.2. *Questions also varied in terms of the required methodological approach (i.e. 'Discuss'; 'Explain'; 'Compare and contrast'). This is excellent, though it might be worth thinking about how such terms impact upon what you are asking students to do (e.g. asking students simply to 'Explain' something means that you cannot necessarily expect to find much critical discussion or analysis).*
- 1.3. *I was also able to review examination papers from the last two years. I am happy that the questions focus on different issues from paper to paper, though some topics come up frequently, at the expense of others. For example, questions on the use of executive power, on human rights, and on elections, feature prominently on recent papers. The rule of law, constitutional supremacy, parliamentary accountability, less prominently. Though the questions themselves vary from paper to paper, the common occurrence of certain topics means that other topics are assessed a lot less and, in addition, students can potentially try and focus their revision / preparation on topics that they think are likely to come up. **Recommendation: consider varying more the topics assessed from paper to paper.***

## **2. Model answers**

- 2.1. *These are excellent and an essential part of the assessment process.*
- 2.2. *It might be helpful, though, to note in the model answers how examiners might distinguish between answers of differing quality. For example, are there particular aspects of a topic or features of an answer that would indicate a good or excellent essay? In my model answers, I always note that 'Better students might pick up on ...'. **Recommendation: in model answers, highlight possible features of an answer that might indicate an excellent essay.***

## **3. Marking Scheme**

- 3.1. *The marking scheme is a useful tool and increasingly universities are breaking down criteria in this fashion. Such schemes not only help to explain marks between*

*examiners, but also, if students seek further feedback, the scheme indicates where students have been strong or weak.*

- 3.2. If they are to be used, though, marking schemes must be used by all members of the team. Little point in just one or two using them.*
- 3.3. Personally, I wouldn't give a breakdown of marks for each individual point of the marking scheme.... Whilst examiners differ in terms of approach, when marking it's so often about getting a mark for the whole piece and reaching a mark on that holistic assessment. Trying to isolate each point and breakdown the mark can seem a bit superficial and can skew the assessment.*
- 3.4. One suggestion is simply to note how each student has done with regard to each criteria (by way of a simple tickbox) and then provide general comments. ...*

#### **4. Marking process and step marking**

- 4.1. The marking process is thorough and consistent - it is notable that blind marking of scripts can give similar marks in most instances. ...*
- 4.2. The introduction of step-marking could be of huge benefit to the marking process. Step-marking not only makes the marking process easier (and quicker), but it also improves the consistency of marks, and, crucially, limits the occurrence of borderline grades. ... **Recommendation: consider introduction of step-marking.***

#### **5. Computation of marks**

- 5.1. The 'Instruction to students' outlines that: 'All questions carry 33 marks each. Each question counts for 33% of the final mark and 1% of the final mark will be given on an ex gratia basis'. In my view, this is incorrect and unnecessarily complicated. If the questions were out of 33, then you would need to add one to reach the final percentage. However, the questions are marked out of 100 (as per the University of Malta's assessment guidelines). This being so, the marking process should simply*

*involve adding each of the marks together and then dividing the total by three. This would give the percentage. To this end, students would simply need to be told that 'questions are marked out of 100 and they carry equal weight'. (The Faculty of Laws marking guidelines echoes this approach).*

5.2. *One thing that would help this process is use of Microsoft Excel. This would enable a reliable collection of marking data and it would work out the averages automatically. **Recommendation: consider use of Microsoft Excel to note marking data.***

## **6. Student marks**

6.1. *There is a decent and healthy spread of marks across the cohort, with examiners not being afraid to use the full scope of marks available (ranging from 90 - 0). This is important and to be commended.*

6.2. *The University of Malta's grade structure (use of A+, A, B+, B, C+, C etc.) is excellent and facilitates this broad range of marks by enabling examiners to distinguish more confidently between essays / papers. (Though, note the recommendation for step-marking, above).*

## **Talk on 'Food, glorious food! Disability, boiled sweets, and capacity'**

On 3<sup>rd</sup> July the Faculty of Laws was very pleased to once again welcome Dr Laura Pritchard-Jones, Deputy Head of the School of Law at Keele University.

‘Food, Glorious Food!  
Disability, boiled  
sweets, and capacity...’:  
Food (and feeding) as  
medical treatment in  
the courts.



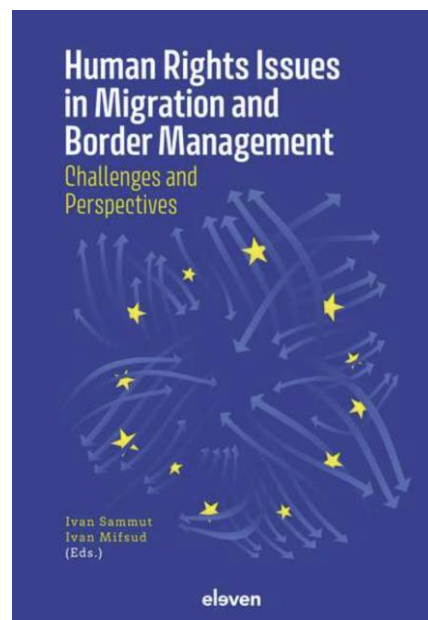
Dr Pritchard-Jones discussed a number of salient judgments including *R (JJ) v. Spectrum Community Health 2022* which concerned a prisoner on hunger strike who had X-linked hypophosphatemia (XLH) as a result of which he is quadriplegic, does not have teeth, and is fed lying down. He was prepared to be fed on condition that he was allowed to eat whatever he chose. The Court ruled that JJ did not have the right to demand whatever food he wanted, and in the process the defendants were protecting his health.

### Publication of book on Migration Law

The Faculty of Laws is very pleased to announce the publication of [\*Human Rights Issues in Migration & Border Management\*](#).

This publication brings together a number of researchers and experts, to examine the interaction between borders and migration, and the challenges these pose to our society.

It is co-edited by Prof Ivan Sammut and Dr Ivan Mifsud, and includes contributions from a number of members of the Faculty of Laws



## ICON-S event in Madrid

The annual meeting of the International Society of Public Law (ICON-S) was held at Madrid between 8 and 11th July 2024.



The event was attended by Professor Tonio Borg , Professor Ivan Sammut , Dr Ilona Schembri and Dr Tiziana Filletti. A panel was organized dealing with different aspects of the Maltese Constitution which this year happens to be the 60th anniversary of its promulgation. The speakers at the panel were Professor Borg who dealt with shortcomings in the Maltese Constitution mostly where the supreme law obstructs court scrutiny, and Professor Sammut who dealt with the primacy of EU law, and problems encountered when constitutional provisions do not tally with such law. The panel included also a former student of the Faculty of Laws, today Professor of Law at Copenhagen, Dr. Jennifer Pullicino Salling. She addressed the gathering on several aspects of nationhood, and to what extent our legal system reflects such aspects. The panel was chaired by Professor Erin F. Delaney from Northwestern University Pritzker School of Law Chicago, who made some relevant remarks on the present and future of the Maltese supreme law and was also addressed by Dr. John Stanton Senior Lecturer at City London University who



has regularly lectured our students in Malta . He and Professor Borg will be publishing a book entitled *The Constitution at Sixty* which is a collection of essays by different authors on different aspects of Maltese constitutional law, including one by the Dean of the Faculty of Laws Dr. Ivan Mifsud The book will also contain a preface by HE the President of Malta .

### Faculty of Laws' participation at I Choose

Dr Tiziana Filletti and Dr Ilona Schembri represented the Faculty of Laws on the UM's stand at the *I Choose Post-Secondary Education Fair* . They met with a number of prospective students and answered their queries, which ranged from queries concerning entry requirements to prospects for a Muslim entering the legal profession here in Malta (to whom it was explained that there are already a number of Muslim advocates in Malta, who are doing very well in the profession).

The presence of the Faculty of Laws was considered to have been extremely useful, the main gripe being that the UM did not allow us to attend the full event, but only allocated us two spots of about two hours each over the two days of the fair in question. As a result, people who attended outside these designated times remained with their queries unanswered, at least as far as the Faculty of Laws is concerned. Other faculties were similarly critical for not being allowed to attend the full two-days, the more so when their competitors in other institutions were there for the full duration of the event.



## Signing of MOU between UM and UNHCR

On 30<sup>th</sup> July an MOU was signed between the UM and the UNHCR Malta Office, thanks to which the UM's Law Clinic will be in a position offer better legal assistance to displaced and stateless persons.



Support from UNHCR Malta will be provided to UMLC staff and law students in terms of cultural mediation services while working with forcibly displaced and stateless persons in Malta, meeting facilitation once a case is referred for legal assistance, and in the creation of collaborative events and social activities promoting a favourable protection environment in Malta.

At the signing event the UM Rector commended the Faculty of Law for their unwavering dedication to the cause. The Law Clinic was represented by Prof David E Zammit.

*(Article and photo courtesy of Newspoint)*

## Promotion to Full Professor

The Newsletter Editorial Board wishes to congratulate [Prof. Patricia Vella de Fremaux](#) on her recent promotion to Full Professor.



## Taking a break

Just like last year, we will be trying to take a much needed summer break during August 2024; for this reason we will act on the presumption that there will be nothing to report during September, and therefore no newsletter will be published in September 2024. The newsletter will however resume in October 2024.

**Have you got any news to share?** If you have any item of relevance to this newsletter, feel free to inform us about it. You may contact any member of the editorial board, these being Prof Tonio Borg, Prof Ivan Sammut, Ms Rowena Leontijevic and Dr Ivan Mifsud. The Board reserves the right to refuse to publish an item submitted to it for its consideration.