

EDITORIAL

*Clement Mifsud Bonnici*¹

1. Preliminary

As Editor in Chief, it is a great honour to present this second edition of the *ELSA Malta Law Review* published by the European Law Students' Association in Malta.

This year's edition contains eleven contributions touching on topics ranging from European Union law to the global financial crisis. The predominant transnational accent to most of these contributions attests to the European character of this journal. The *ELSA Malta Law Review* has proved again that it can serve as a platform for the publication of scholarly writing by students, young practitioners, and academics alike.

2. A Hybrid Editorial Review Process

The Editorial Board has decided to introduce peer review for all articles considered by us for publication. It is imperative to justify this bold decision to opt for a hybrid editorial review process which incorporates elements of student-edited law journals and of peer review scholarship.

In just a few words, each submission was passed through a plagiarism detection system, followed by a rigid review process managed by the student editor to whom the article was assigned. The student editors have the task to see that the submission is of high level, but also that it is consistent with the *ELSA Malta Law Review's* citation and style guidelines. This follows the American model of student-edited law journals and which was already in place after it was adopted by last year's Editorial Board.

A very important stage was added to the whole process. Those articles which made the cut, which were, admittedly, relatively few, were then passed on to be reviewed by at least two experts in the relevant field. The conclusions of these experts served as aid to the Editorial Board to reach a decision whether or not to publish. This was an intrepid step to take as a student based publication with no resources whatsoever. We embarked on this 'peer review experiment'² with an initial fear that the necessary amount of peer reviewers per article will not be sourced. However, to the Editorial Board's satisfaction, we have found support and aid from the Faculty of Laws, the ELSA Lawyers' Society, local academics and practitioners, and also foreign law experts. Many have instantly understood our vision and proved our initial fears to be unfounded. In fact, it is noted that certain articles were even vetted by three peer reviewers.

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² We were certainly not the first student-edited law journal to experiment with peer review. For an alternative perspective see: J.P. Zimmer & J.P. Luther, 'Peer Review as an Aid to Article Selection in Student-Edited Legal Journals' (2000) 60 *South Carolina Law Review* 959.

By no means should one interpret this change in direction as a sign of distrust in the review process opted by our predecessors. I remain a firm believer that the system of student-edited law journals provides a unique, intensive, and demanding editorial experience for students, particularly at the University of Malta. Both Ms. Anna Abela, who is my predecessor, and I have insisted, during our terms as Editors in Chief, that student editors should not be reduced to mere proof-readers. The student editor must look deeper into the article: for it must be clearly written, logically structured with a comprehensive research and an incisive analysis. Nevertheless, the limitations of student editors are manifest to anyone: we do not have, as yet, the required experience, expertise, and deep insight of the law which academics and practitioners should possess.

That being said, the Editorial Board believes the peer review is important to achieve a high standard and a strong reputation. I must admit that there were articles which the Editorial Board recommended for peer review, but were turned down by our reviewers after they presented us with strong and persuasive reasons. This should not be taken as an admission to criticism leveraged against student journals.³ It is obvious that both models have their merits and their weaknesses, but, with hindsight, it is submitted that a hybrid of both has brought out their strengths in a more efficient model. The student editor and the peer reviewer were given specific tasks. While student editors retained leadership on the whole review process and reviewed the form and substance of the article, peer reviewers were not burdened with proof reading the article or checking its citation is compliant with the painstaking OSCOLA. Peer reviewers were instructed to concentrate their efforts exclusively on the substance of the contribution. This efficient division of work helped us to reach a more effective work model. It is hoped that it will further improve in the years to come.

3. Fostering Legal Writing

Apart from the publication of the *ELSA Malta Law Review*, the Editorial Board pursued other projects to promote legal writing among law students.

The Editorial Board has organised two essay competitions, one on European Union law in conjunction with the Department of European and Comparative Law which was personally sponsored by Prof Peter Xuereb, and another one on International Maritime Law under the patronage of Prof David Attard, Director of the International Maritime Law Institute.

The Partnership in Research Programme⁴ initiative was also introduced. This novel project required that law firms, practitioners, and other relevant actors in the Maltese legal market propose to the Editorial Board points of law which, in their view, require further research. These research proposals were then uploaded on our website and we issued a call for applications to students. The selected students took up the research under the wing of the 'partner in research'. The ultimate target of this 'partnership' is the publication of a proper academic article written by the student in the *ELSA Malta*

³ For a concise summary of critique commonly raised against student-edited law journals see Foote Daniel, 'Student-Edited Law Reviews and Their Role in U.S. Legal Education' (2011) 69 *University of Tokyo Law Review* 257, 272.

⁴ ELSA Malta Law Review, 'Partnership in Research Programme' <<http://elsamaltalawreview.com/partnershipinresearch>> accessed September 2012.

Law Review. The project attempted to address the dissension between the academic study of law and practical market realities.

While admittedly this initiative falls outside the traditional functions of an Editorial Board, it presents an opportunity for students to train in research and in writing, but in areas which are specifically practical to the legal community.

It is with deep satisfaction that we note that most research is underway and some is already near completion.

It is sincerely hoped that the efforts which are currently pursued by the European Law Students' Association in Malta with the *ELSA Malta Law Review* initiative continue to encourage and to foster legal writing in Malta. Students must be more aware of the opportunities at their disposal. Academics and practitioners should invest further in the student body and work closer with student organisations.

4. Open Access and Freedom of Information

Although the Editorial Board has decided to print this edition of the *ELSA Malta Law Review*, its content shall remain available on our website at no cost. Our commitment as an open access journal is evidenced by the mandatory requirement in our editorial policy that all articles are to be covered by a Creative Commons licence which allows free access and sharing. Moreover, the *ELSA Malta Law Review* has been recently admitted to the Social Sciences Research Network's⁵ Partners in Publishing scheme and inserted in the Directory of Open Access Journals.⁶

The Editorial Board's philosophy of open access content favours unhampered and fast dissemination of knowledge within the Maltese legal community. Our persistence in this direction has distinguished us from other publications in Malta.

5. Editor's Acknowledgments

I would like to first and foremost thank all the contributors to this year's edition who have been very patient with our painstaking review process and with the limitation of resources at our disposal. The same goes to all the academics, judges, and practitioners who voluntarily participated in our peer review process with no remuneration: their time and dedication was greatly appreciated.

The Editorial Board is eternally indebted to Prof Kevin Aquilina (Dean at the Faculty of Laws), Prof Peter Xuereb (Head of the Department for European and Comparative Law), and Prof David Attard (Director for the International Maritime Law Institute) for their constant support and conviction in the *ELSA Malta Law Review* and its projects. Their invaluable input has raised the standard and provided students with more opportunities.

We are also appreciative of the lawyers who have participated in the Partnership in Research Programme. The list is long: Prof Kevin Aquilina; Dr. Paul Cachia; Dr. David Griscti at David Griscti & Associates; Dr. Jean Farrugia at Deguara & Farrugia Advocates; Dr. Tonio Fenech at Fenech Farrugia Fiott Legal; Dr. Stefano Filletti at Filletti & Filletti

⁵ Social Science Research Network website <<http://www.ssrn.com/>> accessed September 2012.

⁶ Directory of Open Access Journals website <<http://www.doaj.org/>> accessed September 2012.

Advocates; Dr. Max Ganado, Dr. Matthew Bianchi, Dr. Leonard Bonello, Dr. George Bugeja, and Dr. Matthew Mizzi at Ganado & Associates; Dr. Peter Fenech and Dr. Lena Sammut at Iuris Malta; and Dr. Olga Finkel and Dr. Karl Gonzi at WH law.

A word of thanks goes to Tessa Mallia Borg President of the European Law Students' Association in Malta for her trust in the Editorial Board and for always allowing us to work with independence and integrity.

Acknowledgment must be made to Nathalie Cauchi's, Faculty Officer at the Faculty of Laws, for helping us gain access to the Faculty's plagiarism detection system; to Mikaela von Horn, at the DOAJ team, for guiding us through the procedure to be included in the Directory of Open Access Journals; and to Caty Blocher, Manager of Partner Relationships at SSRN, for admitting the *ELSA Malta Law Review* in SSRN's Partners in Publishing network.

Finally, I must express my sincerest appreciation to my editorial team. Throughout this year, all were, without any reservations, very hard working, attentive to detail, and very patient with my methods and ways: Jasmine Abela, Michela Fenech, Nicola Jaccarini, Robert Thake, and Stephanie Shaw.