
Researching Foreign Law

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I. Introduction

The purpose of this research guide is to provide a basic overview of research resources available in the area of foreign law. Foreign law is the domestic law¹ of any country other than the United States. This guide will offer research strategies for finding foreign law materials and provide a selective listing of foreign law resources available either in the Gordon D. Schaber Law Library or through various electronic resources.

II. Secondary Authority

Regardless of the jurisdiction involved, you should normally begin your research with secondary sources.² Some examples of secondary sources are treatises, journal articles and research guides. These type of sources not only explain the law of the jurisdiction being researched, but can also be very useful for identifying specific primary authority documents. Some secondary sources also explain the structure of the foreign legal system being researched. This is important because the nature of a country's legal system will impact the relative importance of different legal documents. For example, unlike in the United States, court decisions are usually only secondary authority in countries that follow the civil law tradition.

A. Research Guides

One of the best ways of beginning your research into the law of a foreign country is through the use of research guides. These guides describe many of the covered country's primary and secondary authority publications and may also include a basic overview of its legal system and some of its major pieces of legislation. Most guides will also provide suggestions regarding possible research strategies.

There are numerous foreign law research guides available in both electronic and print format. Research guides covering most countries are freely available through the Internet. To locate these guides, try using portal sites (see § V) and search engines, such as Google. Print research guides covering individual countries can be readily located by conducting

¹ It is also sometimes referred to as national, internal or municipal law.

² This guide frequently refers to primary and secondary authority. Primary authority is the actual forms of the law itself, such as constitutions, statutes, regulations, and in some jurisdictions, court cases. Secondary sources are materials that describe and explain the law, but are not the law itself.

the following keyword search in the library catalog: legal research [jurisdiction name]. For example, to locate research guides on Australia, your search would be structured as follows: legal research Australia.

Foreign Law Guide: Current Sources of Codes and Basic Legislation in Jurisdictions of the World.

This excellent subscription database covers nearly 200 jurisdictions worldwide. The section on each country includes an introduction to its legal system, a listing of its major primary authority publications, selected secondary sources, and references to Internet sites covering the country's law. Each section also includes citations to the specific laws of that country pertaining to over 100 subjects. This database is accessible through the library's Databases page at <http://www.mcgeorge.edu/x1635.xml>.

The George Washington University International Law Review, *Guide to International Legal Research* (2002-). Locations: Reference & Treatise, KZ1234 .G85 (latest edition in reference area).

While portions of this source focus on researching international law, there is extensive coverage of foreign law resources.

Germain, Claire M., *Germain's Transnational Law Research: A Guide for Attorneys* (1991-). Location: Reference, K85 .G47 1991.

This practice-oriented guide includes a chapter on research materials that covers 20 countries, mostly from Europe.

GlobaLex, New York University School of Law.

Site: <http://www.nyulawglobal.org/globalex/>

This highly useful site contains research guides covering over 100 countries as well as other guides in the areas of foreign, comparative and international law.

Hoffman, Marci & Mary Rumsey, *International and Foreign Legal Research: A Coursebook* (2008). Locations: Reference & Reserve, K85 .H64 2008.

A legal research textbook the covers both foreign and international law research.

Hoffman, Marci & Robert Berring, *International Legal Research* (2008). Location: Reserve, KZ1234 .H64 2008.

This publication is part of West's Nutshell series. It provides an overview of both foreign and international legal research.

List of Guides to Foreign Legal Research, Columbia Law School.

Site: www.law.columbia.edu/library/Research_Guides/foreign_law/foreignguide

Includes regional and national guides covering dozens of countries.

B. Treatises & Practice Materials

The library offers access to a variety of non-periodical secondary sources, such as treatises, practice materials, and other books. These resources may be available in our print

collection or accessible through an electronic resource such as Westlaw or Lexis. The following are some suggestions for locating these materials.

1. Use a Research Guide

You may be able to identify helpful secondary sources using a research guide. Then search the library's online catalog to determine if these sources are available through the library.

2. Use the Library's Online Catalog

You should search Go-Cat, the library's online catalog, early in the research process to identify potentially useful secondary resources. In addition to covering the library's print holdings, the catalog also lists all treatises and practice materials (but not periodicals) available through our library's subscription to Lexis and Westlaw.

The best approach to searching the catalog is to start by running a keyword search. Once you have identified relevant publications through this approach, then search the subject headings assigned to each of these documents. This will lead you to related materials that may not have been retrieved through your original keyword search.

When formulating your catalog search, it is important to remember that materials covering the laws of a particular country may be found in sources that focus on that specific jurisdiction, the general geographic region in which your country is located, or in sources covering nations throughout the world. For example, materials on Chinese arbitration law can be found in *Arbitration in China: A Practical Guide*, *Dispute Resolution in Asia*, or *The World Arbitration Reporter*. Because the catalog records for many regional and worldwide publications do not include the names of the individual countries covered, you should run some keyword searches in the catalog that omit the country name and which include broader geographic terms such as "Latin America", "Africa", "international", "world", or "global".

If you do find a relevant country specific publication, try searching under its subject headings without the country designation. For example, if a subject heading is "Securities – Japan", do a subject search using just the term "Securities". This will retrieve the records of many multi-country publications in the area of securities law, some of which might cover Japan. If the words "international", "comparative", "world", or "global" appear in the title, it probably covers multiple countries (to know for sure, you will need to directly check the publication).

The library also has introductory works that often have chapters covering a wide range of basic topics, such as contracts, torts, family law, criminal law, administrative law, etc. Examples of such titles include *Introduction to Turkish Law*, *The Law and Legal System of Ukraine* and *An Introduction to the Legal System of the People's Republic of China*. The catalog records for these types of works may not indicate the specific subjects covered so they might have to be directly examined to determine their contents. Such

publications can usually be located in the catalog through a keyword search using the jurisdiction name and either the terms “introduction” or “legal system”.

3. Westlaw and Lexis

Lexis and Westlaw have only a very limited number of treatises and practice guides on foreign law. As was mentioned in § II.B.2 of this guide, such materials can be identified through the library catalog. They can also be located on Lexis by following this path: Legal > Find Laws by Country or Region. On Westlaw, use this path: Directory > International/Worldwide Materials. Check for materials under both the country and the appropriate geographic region.

4. Noteworthy Treatises & Practice Materials

Doing Business in...

There are many publications whose title begins with “Doing Business in” followed by a jurisdiction or geographical name. Examples include *Doing Business in Brazil* and *Doing Business in Asia*. Such publications usually provide broad coverage of business related legal issues from a practice oriented perspective. There are two particularly noted series under this title: a Matthew Bender series available on Lexis and a Juris Publishing series available in print.

International Encyclopaedia of Laws.

Excellent print series covering many topics for numerous countries, such as civil procedure, contracts, torts, criminal law, etc. Locate individual titles in this series by searching the online catalog.

International Encyclopedia of Comparative Law. Location: Stack-1, K530 .I58.

This well-respected print series covers the legal systems and laws of various jurisdictions. Unlike many foreign law titles, this publication directly compares how different jurisdictions address specific legal issues.

Martindale Hubbell International Law Digest.

This work provides a basic summary of a wide range of legal topics for various countries. The current edition is available on Lexis (Legal > Find Laws by Country or Region > Search International Law Digests) and on CD-ROM in the library’s computer lab.

Redden, Kenneth Robert, ed., *Modern Legal Systems Cyclopedia* (1984-). Location: Stack-1, K583 .M63 1984.

Provides an overview of the legal systems of numerous countries.

C. Periodical Literature

Articles published in law reviews and other journals can be useful sources for finding background information and analysis on the topic that you are researching. They can also

be very helpful in locating citations to relevant primary authority. The two main methods of finding legal articles are through indexes and by searching full-text databases available on Westlaw and Lexis. Each approach has its advantages and disadvantages. Indexes cover a greater number of journals than the full-text databases on Westlaw and Lexis and the coverage tends to go back further in time. Full-text databases have the advantage of allowing more detailed searches than indexes, since indexes will often only be searching the author and title of the article, the assigned subject headings, and perhaps an abstract. You should use both types of resources if you wish to be thorough.

1. Indexes

The following are the most useful legal indexes available through our library. Because the coverage of indexes varies, you may benefit from searching more than one.

Index to Canadian Legal Literature (1985-).

Covers over 200 Canadian legal and law-related periodicals, as well as a variety of books and other publications. A current version is available through Westlaw under the following path: Directory > Directories, Reference > Periodicals Indexes.

Index to Foreign Legal Periodicals (1960-).

Indexes over 500 periodicals, most of which are published in non-common law countries. It also includes selected international and comparative law journals from the United States, United Kingdom and the British Commonwealth. An electronic version is accessible through the library's Databases page at <http://www.mcgeorge.edu/x1635.xml>. A print version is also available (Location: Reference, K33 .I55). Coverage in the electronic version is from 1985 to present, while the library's print holdings are from 1960 to 2002.

Index to Legal Periodicals and Books (1908-).

This resource indexes over 800 journals, mainly from the United States, with limited coverage of periodicals from Australia, Canada, Ireland, New Zealand and the United Kingdom. It is available on Lexis from 1981 to present – use the following path to locate the database: Legal > Secondary Legal > Annotations & Indexes. The *Index to Legal Periodicals Retrospective* version of this index provides coverage from 1908 to 1981 and is available through the library's Databases page at <http://www.mcgeorge.edu/x1635.xml>.

Legal Journals Index (1986-).

Indexes articles from over 430 legal journals published in the Europe. This index is particularly useful for European Union research. Available through Westlaw – use the following path to locate the database: Directory > International/Worldwide Materials > European Union.

Legal Resource Index (1980-).

This index covers over 900 periodicals published in the United States, Australia, Canada, New Zealand and the United Kingdom. This index is available on Westlaw –

use the following path to locate: Directory > Directories, Reference > Periodicals Indexes > Legal Resource Index (Electronic Companion to Current Law Index). A different online version of the same index is accessible through the library's Databases page at <http://www.mcgeorge.edu/x1635.xml> under the name *LegalTrac*.

2. Full-Text Law Review Databases

Both Westlaw and Lexis have full-text law review databases covering numerous legal periodicals. Coverage for most journals begins in the early to mid-1990s. The main databases on Westlaw covering U.S. law reviews can be located by following this trail: Directory > Legal Periodicals & Current Awareness. Additional non-U.S. legal journals can be found within those folders covering other countries or regions. These are listed under the International/Worldwide Materials link in the directory.

The full-text U.S. and Canadian law reviews on Lexis are located under Legal > Secondary Legal > Law Reviews & Journals. Legal journals from other countries are listed under the following trail: Legal > Find Laws by Country or Region.

III. Primary Authority

Other countries do not necessarily have the same sources of law as the United States. For example, countries following the civil law tradition generally do not recognize court decisions as primary authority. Because the relative weight of legal documents can vary between jurisdictions, it is important to use secondary sources to obtain a basic understanding of a country's legal system.

The best way to identify foreign primary authority is through secondary sources. These publications serve as good finding tools since they will usually list specific legal documents that support their commentary. Research guides should also be consulted to identify primary authority sources for the jurisdiction being researched (see § II.A). You can then directly search these primary materials to update and verify the information found in the secondary sources. Consulting research guides is important because the types of primary authority publications used in other countries can vary significantly from those of the United States. For example, many countries, especially those following the civil law tradition, have an official gazette in which many primary authority documents are published.³ Such gazettes are usually published on a daily basis and will include all newly enacted legislation and regulations. They will also frequently include treaties and sometimes summaries of judicial decisions.

Use the library's online catalog to determine which foreign primary authority resources are available in print in the library's collection. In addition to country specific sources, there may be multi-jurisdictional compilations covering a particular topic or region. Examples of such titles include *Constitutions of the Countries of the World*, *Central and Eastern European Legal Materials* and *Investment Laws of the World*.

³ Examples of official gazettes include *Journal Officiel de la République Française* (France), *Bundesgesetzblatt* (Germany) and *Diario Oficial de la Federación* (Mexico).

A. Constitutions

The following resources are particularly useful for finding the text of foreign constitutions. In addition to these sources, check research guides covering your country (see § II.A) and Internet portal sites (see § V).

Flanz, Gisbert H., ed., *Constitutions of the Countries of the World* (1971-). Location: Stack-1, K3157.A2 B43.

This publication provides the text of numerous current and historical national constitutions in English. An electronic version is available through the library's Databases page at <http://mcgeorge.edu/x1635.xml>.

Raworth, Philip & Albert P. Blaustein, eds., *Constitutions of Dependencies and Territories* (1975-). Location: Stack-1, K3157.E5 C65.

Contains English language versions of the constitutions of subnational government entities and legislation governing the legal relationships between these entities and their respective national governments.

B. Legislation and Regulations

There are a variety of approaches that can be used to locate codes, statutes and regulations from other countries. The most efficient approach is to check for research guides covering your country, as they will list helpful electronic and print resources. The *Foreign Law Guide* (see § II.A) is particularly useful, because the entry for each country lists major laws organized by subject and includes information on where they can be located. Also, keep in mind that the text of legislation can sometimes be found in secondary sources. For example, treatises or periodicals covering a specific country or region will sometimes include the full-text of legislation or regulations discussed in the narrative.

The coverage of foreign legislation and regulations on LexisNexis and Westlaw is relatively limited. There is extensive coverage for the United Kingdom, Canada and the European Union on both services. The primary authority coverage for other jurisdictions is incomplete or non-existent, may only be in the vernacular, and for some databases may not be current. Legislation and regulations on Westlaw are located in the "International/Worldwide Materials" section of the Directory, while on Lexis can be found by selecting the "Legal" tab and searching under "Find Laws by Country or Region".

As was previously mentioned, many countries have official gazettes. These can be one of the best sources for both legislation and regulations, as laws, regulations and treaties will be published in the gazette before taking effect. Our library does not collect gazettes in print other than the *Official Journal of the European Union*. Unfortunately, the gazettes for only a few jurisdictions are available on Westlaw and Lexis. The best source for these publications is through the Internet. Research guides and portals sites (see §§ II.A and V) can be used to locate the appropriate websites. Another helpful resource is *Government Gazettes Online* (<http://www.lib.umich.edu/govdocs/gazettes/>), a University of Michigan

website that provides links to gazettes on the Internet. One factor to keep in mind is that the gazettes will be in the vernacular for the country being researched.

There are many other free and subscription based electronic resources that provide access to primary authority. These sources are discussed in §§ IV and V of this guide.

C. Court Decisions

Court decisions are not as readily available as legislation. Some countries do not publish cases in any official publications or will only do so for decisions issued from the jurisdiction's highest court. Generally, court decisions from common law legal systems are easier to obtain than those from civil law jurisdictions. Also, keep in mind that most cases are only available in the vernacular and are not translated into English.

One of the most efficient methods for locating court decisions is through the use of research guides and other secondary sources (see § II). In some countries the best source for obtaining cases is through journals that reproduce decisions either in full-text or as excerpts.⁴ Use research guides to help identify these publications. Other secondary sources, such as treatises, can be useful for identifying important cases.

The library subscribes to a number of databases that include court decisions. Westlaw and Lexis include a limited number of foreign cases. Both services have extensive coverage of cases from Australia, Canada, the European Union, and the United Kingdom. Coverage of other countries is very selective and may not be current. Decisions on Westlaw are located in the "International/Worldwide Materials" section of the Directory, while most decisions on Lexis can be found by selecting the "Legal" tab and searching under "Find Laws by Country or Region." Other databases that include foreign court decisions are HeinOnline, iSinolaw, InterAm and Ghana Law (see § IV).

Foreign cases can also be found on a variety of free Internet websites. Many courts maintain their own websites which often provide the text of decisions. Other government, academic and commercial sites may include cases. Research guides are useful for identifying sites that focus on particular countries (see §II.A). Portal sites and search engines are also very helpful for locating decisions (see § V).

Another method of locating cases is through print annotated codes and statutory compilations. These will list cases that relate to specific legislative provisions. However, our library's collection only includes such publications for a few countries, most notably France, Germany, Italy, Mexico and the United Kingdom.⁵ The annotated French, German and Italian codes are in the vernacular.

⁴ Examples include *La Semaine Juridique* (France) and *Neue Juristische Wochenschrift* (Germany).

⁵ Some examples of annotated legislation are *Halsbury's Statutes of England and Wales*, *Méga Code Civil* (French Civil Code), *Bürgerliches Gesetzbuch* (German Civil Code), and *Mexican Commercial Code Annotated*.

There are also case reporters and casebooks in the library's collection that provide access to foreign decisions. These can be found by running a keyword search in the library's catalog using the term "cases" along with the name of the country, geographic region, or subject area of interest. Many of these publications include an index for locating cases by topic.

IV. Subscription Databases

The library subscribes to a number of databases other than Westlaw and Lexis that contain foreign law materials. Each of these databases can be accessed either through the library's Databases web page at <http://mcgeorge.edu/x1635.xml> or by running a title search in the library's catalog using the database name. The following titles are the most useful.

Constitutions of the Countries of the World.

Current and historical national constitutions translated into English.

Ghana Law.

Statutes, regulations, and case law in English.

HeinOnline.

Foreign law coverage includes international and non-U.S. law journals and yearbooks. Also available is the full-text of *English Reports* (British cases from 1220-1865), *Statutes of the Realm* (British statutes from 1235-1713) and *International Labour Law Reports* (decisions of various national courts dealing with labor and employment issues, currently from 1978-2005).

InterAm.

Statutes, regulations, case law from Western Hemisphere countries. Mostly in the vernacular, some statutes and codes translated into English.

iSinoLaw.

Statutes, regulations, and case law in English and Chinese from the People's Republic of China.

RIA Checkpoint.

Commercial and tax laws from several dozen countries translated into English.

V. Free Internet Sites

Many primary and some secondary resources are available through free Internet sites. These documents may be posted by many different types of sites including those of national governments, intergovernmental organizations, nongovernmental organizations, law firms and educational institutions. These resources can be extremely valuable aids to foreign law research. However, before relying on these documents you should always consider the reliability of the source.

There are two basic methods for searching the Internet, both of which should be used if you are trying to be thorough. One is by using search engines, such as Google, Yahoo Search, Ask.com, etc. This approach has the benefit of allowing you to simultaneously search many websites, but has the drawback of potentially retrieving many irrelevant sites. The second method is by using portal / directory sites. Portals organize a selected number of sites by topic or jurisdiction and can quickly direct you to some of the more useful resources on the Internet.

Listed below are several general websites that are helpful for foreign law research. Additional sites can be located through research guides.

Guide to Foreign and International Legal Databases.

Site: http://www.law.nyu.edu/library/research/foreign_intl/index.htm

Includes foreign law websites organized by both subject and jurisdiction.

Intute.

Site: <http://www.intute.ac.uk/socialsciences/law/>

Lists foreign law sites by subject and country.

Nations of the World.

Site: <http://www.loc.gov/law/help/guide/nations.html>

Library of Congress site that lists legal, political, and country background information by jurisdiction.

World Legal Information Institute.

Site: <http://www.worldlii.org/>

This excellent site contains over 800 databases covering the laws of more than 100 countries.

VI. Legal Abbreviations

In the course of your research you may come across citations containing abbreviations with which you are unfamiliar, thus making it difficult to locate the source in question. The following are some examples of sources that allow you to look up abbreviations and determine the full title of the source.

Cardiff Index to Legal Abbreviations.

Site: <http://www.legalabbrevs.cardiff.ac.uk/>

Columbia Law Review Association et al., eds., *The Bluebook: A Uniform System of Citation* (18th ed., 2005). Locations: Reference & Reserve, KF245 .U55.

Table two (“T.2”) consists of a list of countries and their major legal publications, including the proper abbreviation for each source.

Kavass, Igor & Mary Miles Prince, eds., *World Dictionary of Legal Abbreviations* (1991-). Location: Reference, K89 .K38 1991.

Noble, Scott, ed., *Noble's Revised International Guide to the Law Reports* (2002). Location: Reference, K38 .N63 2002.

Prince, Mary Miles, *Bieber's Dictionary of Legal Abbreviations: A Reference Guide for Attorneys, Legal Secretaries, Paralegals, and Law Students* (5th ed., 2001). Locations: Reference & Reserve, KF246 .D53 2001.

Also available on Lexis (Legal > Reference > Law).

VII. Legal Dictionaries

The library has a number of legal dictionaries that are bilingual or polyglot and which include English as one of the languages. We also have a few dictionaries that focus on the legal terminology of specific countries. Some examples are *Dahl's Law Dictionary: French to English/English to French*, *Mexican Legal Dictionary and Desk Reference*, and *West's Spanish-English/English-Spanish Law Dictionary*. Such dictionaries can be particularly useful for translating legal terminology, although one must keep mind that the legal meaning of a particular word can vary between different legal systems. To locate these dictionaries, do a keyword search using the terms "dictionaries", "law" and the name of the language or country of interest.