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**Introduction to Foreign Legal Research
Basic Sources and Strategies**

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This guide is intended to assist researchers who have little or no experience in researching the law of foreign jurisdictions. The guide offers a brief introduction to foreign law and relevant key sources. It does not contain a comprehensive list of sources, nor does it offer sophisticated techniques for the advanced researcher of foreign law.

As the globalization of our world increases, it is rapidly becoming the exception – rather than the rule – that an attorney in domestic practice in the United States can spend her/his entire career dealing exclusively with American law. Transnational issues may be expected to arise today in virtually any legal context. Thus, familiarity with basic foreign legal research techniques is essential for success in modern American law practice.

♠Foreign Law: Definitions

- ❖ Foreign law may generally be defined as the law of jurisdictions outside the United States. This includes some 194 different jurisdictions.
- ❖ For convenience' sake, foreign jurisdictions are often grouped by general type of legal system: civil law, common law, or other (mostly Islamic or socialist-influenced systems). They may also be divided into Anglo-American (British Commonwealth and American common law) and foreign law (civil law) groups. Remember, however, that no modern legal system is a "pure" representation of any type of system; all jurisdictions today represent mixed systems, to some extent.

♠Approaching a Foreign Legal Research Problem

- ❖ The basic approach is no different than for an American legal research problem, with some shifts in emphasis. Simply follow the standard method for doing legal research:
 - Preparation
 - Consult secondary sources
 - Locate legislation
 - Locate case law
 - Update research
- ❖ Try not to bring your assumptions about American law into your foreign legal research! This is very difficult, but essential to successful research. The many American legal fundamentals that you've spent three years learning in law school do not uniformly apply in any other legal system.

♠A Word About Language...

- ❖ One of the most foreign aspects of foreign law is that it may be presented in a foreign language. You must remain calm and accept this; there is nothing you can do to change it. However, even if you are not multi-lingual, there are ways you can work with it.
- ❖ Find it in English, if you can. Look in **Reynolds & Flores** (see "Preparation for Foreign Legal Research," below) and other sources to find citations to translated materials. Many important laws of major jurisdictions have been translated into English.
- ❖ Look for official translations, if possible. These are translations that have been officially condoned by the issuing institution of a particular jurisdiction. If you cannot locate an official translation, look for one that has been prepared by a certified legal translator. If this is not available, try to use a translation from a respected unofficial or commercial source. Whenever you are *not* working with an official translation, be sure to note that fact on your work product.
- ❖ Use a bilingual legal dictionary to translate words and phrases. These are available in all major languages and many minor ones, both in print and online. For example,
 - **Dahl's Law Dictionary (Spanish-English/Inglés-Español)** (1999) [Ref Coll: DC 35 S73 D131d 1999].
 - **Dahl's Law Dictionary (French-English/Anglais-Français)** (1999) [Ref Coll: DC 35 F87 D131d].
 - **Faruqi's Law Dictionary (English-Arabic)** (1997) [DC 35 A65 F24m 1997e].
 - **YourDictionary.com** [<http://www.yourdictionary.com>]. Online dictionaries in 21 languages.
 - **EURODICAUTOM** [<http://www2.echo.lu/edic/>]. The multilingual terminological database of the European Union. Translates in 12 languages.
- ❖ Beware of misleading translations, even your own! The legal language of any jurisdiction is not necessarily simple or obvious, and the Spanish you learned in college likely will not be sufficient to translate legal materials from Spain. Furthermore, since legal terms exist within the rich context of their own legal systems, even simple translations can be deceiving. For example, an American attorney associates the word "trial" with many legal institutions (e.g., judge, jury, witnesses, cross-examination) that do not necessarily apply in a civil law context. Legal terms can change even when they are not translated across languages and legal systems; for example, consider the word "constitution" in the US and the UK, both English-speaking, common law jurisdictions!
- ❖ To learn what sources are available in English, use a bibliographic utility, such as OCLC WorldCat (linked through the Law Library's homepage), or consult the online catalog of a library with a well-respected foreign collection (University of Michigan(!),

Harvard, Yale, Columbia, Berkeley, Los Angeles County). You can typically search by subject, then limit the language of the materials to English. The subject headings that describe the content of a foreign title will usually be in English, as well.

- ❖ Be willing to make judgments about what you will accept. A five-year-old, unofficial English translation of a law might be “good enough” for some purposes, especially when the current, official text is unavailable or there are no resources to have it translated. If you are going to hire a translator, try to find a certified legal translator, or one who is very familiar with law terms of the foreign jurisdiction.
- ❖ For further reading on the challenges of researching foreign law in translation, try the following:
 - ***Foreign Law in Translation: Problems and Sources***, in *Introduction to Foreign Legal Systems* (1994) [Ref Coll: Bibliog Introduc].
 - ***The Unambiguous Rightness of Meaning: The Search for Precision in Foreign, Comparative, and International Law Research***, in *Accidental Tourist on the New Frontier: An Introductory Guide to Global Legal Research* (1997) [Ref Coll: Bibliog Accident].
 - ***New Approach to Legal Translation*** (1997) [FL6 S24332n 1997].

♠ **Preparation for Foreign Legal Research**

- ❖ Before doing anything else, you must spend some time becoming familiar with the legal system of the country, especially if this is a jurisdiction you have not researched before. This will help you understand the structure of the primary law, which is an absolute necessity before you begin research. Without this understanding, you will be “flying blind,” and you cannot hope to accomplish efficient or effective research.
- ❖ **Consult Reynolds & Flores.** Reynolds, T. and A. Flores, ***Foreign Law: Current Sources of Codes and Legislation in Jurisdictions of the World*** (1989-) [Ref Coll: Bibliog Reynolds]. Often referred to as ***Reynolds*** or ***Reynolds & Flores*** (after its authors). This is your bible for foreign law! A multi-volume looseleaf set. For each country, includes a brief overview of the legal system, general secondary sources, sources of major legislation, sources of court decisions, and a subject index for general legislation. Notes sources of English and other translations for materials, if any.
- ❖ **Consult country-specific pathfinders and research guides.**
 - For print sources, Search in Lexcalibur (the Law Library's online catalog) under “LC Subject”: Type **law [country]** as a starting search.

- For online sources, see suggestions under "Foreign Legal Research on the Web," below. Also see the guides offered at LLRX (Law Librarians' Research Exchange), [<http://www.llrx.com>].
- Stop by the Law Library Reference Desk or check our website! Our Foreign and Comparative Law Librarian is preparing research guides for (eventually, we hope) all foreign jurisdictions. Currently guides for Mexico and Afghanistan are available at the Desk, and will soon be online. Watch for more jurisdiction guides to be appearing soon!

♠ Using Secondary Sources

- ❖ Secondary sources analyze, describe, discuss and/or comment upon the law; they synthesize the law for you and place it in an analytical context. Use these very important sources learn the content of the law of a foreign jurisdiction on particular topics, and where to locate relevant primary sources. If a scholar or legal expert has already done this work for you in creating a secondary source, don't even think of ignoring it and trying to come up with this on your own! ALWAYS consult secondary sources!!

❖ Consult basic sources on foreign law and foreign legal research.

- Reynolds, T. and A. Flores. ***Foreign Law: Current Sources of Codes and Legislation in Jurisdictions of the World*** (1989-) [Ref Coll: Bibliog Reynolds]. (For description, see "Preparation for Foreign Legal Research," above.)
- Germain, C. ***Germain's Transnational Law Research*** (1991-) [Ref Coll: Bibliog Germain]. In addition to discussions of international legal research (see below), this single volume looseleaf includes bibliographies of books and articles on the legal systems of 17 major jurisdictions.
- Danner, R. and M. Bernal. ***Introduction to Foreign Legal Systems*** (1994) [Ref Coll: Bibliog Introduc]. Includes essays on various legal systems of the world, as well as chapters on the legal systems of France, Mexico, Japan, China, and Taiwan.
- Rehberg, J. and R. Popa. ***Accidental Tourist on the New Frontier: An Introductory Guide to Global Legal Research*** (1998) [Ref Coll: Bibliog Accident]. Useful guide to foreign legal research strategies.
- ***Guide to International Legal Research*** (1998 and 2000 supp.) [Ref Coll: Bibliog Guide_to]. Despite its title, also covers foreign legal research to some extent.

❖ **Consult country-specific secondary sources. There are many of these, addressing many different subjects. For example.**

- ***International Encyclopedia of Laws*** (1993-) [Ref Coll: FL6 I611 E, *et seq.*]. Arranged by topic. Discusses law of approximately 60 jurisdictions under each topic.
- ***Martindale-Hubbell International Law Digest*** (1993-) [Ref Coll: Direct Martinda]. For many jurisdictions, provides brief summaries of laws, arranged by topic, and specific cites to law texts.
- Kitigawa, Z., ed. ***Doing Business in Japan*** (1980-) [FL8 J3.9 D6574 B979 J35 1980]. Multi-volume looseleaf treatise that discusses Japanese business law. Includes two volumes of business laws in English translation.
- Ansay, T. and D. Wallace, Jr., eds. ***Introduction to Turkish Law*** (1996) [FL8 T9.9 I616 T93 1996]. Just what its title says. Includes a selected bibliography of books and articles on Turkish law.
- ***And many others...*** Search in Lexcalibur (the Law Library's online catalog) under "LC Subject": Type **law [country]** as a starting search.

❖ **Consult periodical sources.**

- To find relevant articles, use a subject index.
 - ***Index to Foreign Legal Periodicals*** (1960-) [Ref Coll: Indexes Index to; also online, linked through Law Library homepage]. Indexes journals focusing on international law, comparative law, and the law of non-common law jurisdictions.
 - ***Legal Journals Index*** (1986-) [Ref Coll: Indexes Legal jo; also on WESTLAW (LJI-INDX)]. Indexes journals devoted to European law, including European Communities and Member States.
 - ***Index to Commonwealth Legal Periodicals*** (1979-) [Ref Coll: Indexes Index_to]. Indexes journals focusing on law of the British Commonwealth.
 - ***Szladits' Bibliography on Foreign and Comparative Law*** (1955-). Subject-arranged bibliography of articles and books in English on foreign and comparative law. Also cites translations and reprints of codes, laws, and regulations.
 - ***LegalTrac*** [linked through Law Library's homepage]. Indexes US, UK, Canadian, and Australian legal periodicals, from 1980 to present.

♠ Locating Primary Sources

❖ Legislation

- Look in *Reynolds & Flores* to determine where the major legislation is published, and whether there are any English translations. This publication also indexes major legislation by subject.
- Publications of legislation may be official and unofficial, codified in various forms.
- Certain types of laws may be collected in various compendium sources, in English translation. For example,
 - *Constitutions of the World* (1995-) [Ref Coll: Const]. This looseleaf set contains English translations of current and historical constitutions, as well as an explanatory essay on the development of each constitution and a bibliography. Constitutions of dependencies and special sovereignties are in a companion volume, *Constitutions of Dependencies and Special Sovereignties* (1975-) [Ref Coll: Const].
 - *Commercial Laws of the World* (1974-) [Ref Coll: FL7 23 C734 1974]. English translations of selected major commercial and company-related statutes from more than 100 jurisdictions.
 - *Tax Laws of the World* (1974-) [FL7 23 T235 1974]. English translations of selected major tax legislation from more than 100 jurisdictions.
 - *Copyright Laws and Treaties of the World* (1956-) [JX9 UN.96 C78L].
- *Foreign Primary Law on the Web*
[<http://www.law.uh.edu/librarians/tmulligan/foreignlaw.html>]
Online sources of primary materials, arranged alphabetically by country.
- Many jurisdictions publish laws in **Official Gazettes**. These are daily, weekly, or monthly publications that can include official notices, treaties, and other information, as well as legislation. Some are available in bound volumes, others are published as pamphlets on newsprint. Some are indexed or include a table of contents, others do not. A rich source of information, but can be tricky to find and use.

❖ Case Law

- Look in *Reynolds & Flores* to determine where court decisions are published, and whether there are any English translations.

- Cases, especially in civil law countries, tend not to be translated as readily as legislation.
- Cases may appear in official or unofficial general reporters, or topical reporters. They may also appear in journals or even legal newspapers!
- Case law research is truly a jurisdiction-specific effort. Refer to jurisdiction-specific sources to determine how best to locate cases on your topic.

♠Foreign Legal Research on LEXIS and WESTLAW

- ❖ On LEXIS, assorted primary and secondary information is available from various major countries, including Argentina, Australia, Brazil, Brunei, Canada, China, France, Germany, Hong Kong, Hungary, Indonesia, Ireland, Israel, Italy, Malaysia, Mexico, New Zealand, Northern Ireland, Philippines, Russia, Scotland, Singapore, South Africa, Spain, and the United Kingdom.
- ❖ On WESTLAW, assorted primary and secondary information is also available from various countries, including Australia, Brazil, Canada, Cayman Islands, Iran, Mexico, Russia, and the United Kingdom.
- ❖ Always review the information available about each library or database. Check for scope of coverage; selected information only is available for most jurisdictions! Also, determine how often each library or database is updated (if at all!); some are archival only.

♠Foreign Legal Research on the Web

- ❖ A wealth of foreign law information is available online. In fact, there is so much information available that you may be in danger of becoming overwhelmed.
- ❖ Start with gateway sites that contain full-text documents, guides to foreign law, links to other valuable sites, etc. For example,
 - **Cornell Legal Information Institute** [<http://www.law.cornell.edu/world/>]. Contains numerous links to sites and full-text documents. Arranged by country.
 - **Foreign and International Legal Databases** [http://www.law.nyu.edu/library/foreign_intl/]. Maintained by New York University School of Law Library. Contains numerous annotated links to legal databases and secondary sources. Foreign databases are organized by collection and jurisdiction.
 - **Foreign and International Law Web** [<http://www.washlaw.edu/forint/forintmain.html>]. Maintained by Washburn University School of Law Library, this site includes links to primary foreign and

international legal resources, research aids, and sites useful in conducting research in these areas of the law. Arranged alphabetically by jurisdiction.

➤ **FindLaw** [<http://www.findlaw.com>]. Under its "Foreign and International" folder, has links to legal sites for various countries. Listed alphabetically by country.

- ❖ Just because it's online doesn't mean it's accurate. Check for indicia of reliability! For example, is it published by a government or official source? Is it dated? Does it indicate how often it's updated? Is there a webmaster listed whom you can contact? Does it provide official translations? Inaccurate, out-dated information is worse than no information at all!
- ❖ Materials available online tend to be very recent. Except for major pieces of legislation (such as constitutions), materials earlier than approximately 1995 don't tend to be on the Web.

♠**For help...**

- ❖ Ask a librarian! If you are in an academic setting, ask a member of the reference staff. If you are in practice, ask your firm librarian; if your firm does not employ one, visit or call the county law library or local academic library.
- ❖ If you are in a setting where foreign sources are not readily available, use interlibrary loan ("ILL"). This is a cooperative program whereby libraries borrow sources from each other, when they are not in a local collection. (You do need a specific title for ILL.) Ask your local librarian (public or otherwise) to put in the request for you.
- ❖ Many academic and other libraries have "copy and send" services. These are fee-based programs, usually \$15 to \$20 per cite, in which a library will copy a document for which you have a cite, and mail or fax it to you. Costs run higher if the document is particularly long, or if the library staff has to correct your cite. Typically the turn-around time is very fast. Our service at the University of Michigan Law Library is called "Expedited Photocopy Service."