FOREIGN & INTERNATIONAL LEGAL RESEARCH SEMINAR
(Law 623A, 1 credit)
Spring 2009

RESEARCH EXERCISE 1 – FOREIGN LAW

Directions:

This exercise is due at the start of class on Feb. 19. Spend no more than three hours doing the research. It will be evaluated based on your research strategy and results, completeness of the information you provide, and being turned in on time. (Regarding research strategy and results, I am more interested in your strategy than in whatever results you get. So be sure to describe exactly what you do, how you do it, and why you do it. And be sure to discuss potential weaknesses, if any, of your results.) You should try to do as much of it as possible by yourself first and are free to seek help from others—including me—after you run out of ideas. (In “real life,” legal research is sometimes a collaborative effort.) Your answers may be computer printed or handwritten in black or blue ink. If handwritten, then please write legibly.

1. Common law jurisdiction:

One of your clients is a married Indonesian man with four children. He has been in Australia for several years. His original temporary visa has expired, and he wishes to apply for permanent residency in Australia. But he has committed a minor crime and is in danger of being deported. You have heard of the High Court of Australia’s Teoh case from 1995 and think it may be a useful precedent.

A. Find this case (in hardcopy or online) and see whether you can tell (using KeyCite or Shepard’s) if it is still “good law.” [You need not go outside the Library to hardcopy Shepardize if Touro does not own a corresponding set.]

B. Who were the solicitors in the Teoh case? And what is a solicitor?

C. List the names of three other Australian migration cases that have argued the rights of the child.

D. Where can a reliable version (in hardcopy or online) of the “Convention on the Rights of the Child” be found?

E. Find the website of the Australian governmental department that manages migration. What are the character requirements for the granting of permanent residency?

2. Civil law/mixed jurisdiction:

Another client is interested in buying property in China because of its booming socialist-market economy. To better advise her on this matter, try to find an English translation of the new Chinese property law that went into effect in late 2007. [If you find one, then don’t photocopy or print it. Just provide the hardcopy or online bibliographic information to relocate it.] Also, there was controversy over this law’s enactment. A law professor in China spoke out publicly against it. Try to find out who this person is, where this person teaches, what this person did to try to stop its enactment, and why this person opposed its enactment.