Welcome to Georgetown Law

- Workshop LibGuide: https://guides.ll.georgetown.edu/c.php?g=934388

- WiFi
  - Look for GuestNet
  - No Password
  - Also have eduroam (if you have an account)

- Restrooms
  - Turn Right, then right again into the hallway

- Water Fountain
W1 FCIL Bootcamp: Basic Training

An Introduction to Foreign Legal Research

Mabel Shaw
Head of International & Foreign Law
Georgetown University Law Library

#AALL19
Foreign Law

- Foreign law is essentially national law such as constitutions, statutes, regulations, and court decisions.

- It does not have effect outside the national boundaries, but it may regulate foreign entities.

- Be aware of differences in legal systems.

Photo: By Martin Pilát from Flickr Creative Commons.
Legal Systems

- Common
- Civil
- Religious
- Customary
- Mixed
Legal Systems: Common Law

- Judges can make primary law
- Court decisions complement legislation
- Codes merely compile statutes
Legal Systems: Civil Law

- Courts may not have power to review executive or legislative decisions (but cf. constitutional courts)
- Private vs. public law
- Judges not supposed to be making law
- Importance of doctrine
Modern Codes

Civil Code
Criminal Code
Commercial Code
Code of Civil Procedure
Code of Criminal Procedure

- Civil Code
  - Book One: Persons
  - Book Two: Legal Persons
  - Book Three: Property
  - Book Four: Succession
  - Book Six: Obligations
Legal Systems: Religious Law

- Most often a “mixed” system
- Usually seen with Islamic laws and Jewish legal systems
- May be codified
- Most sources in Arabic or Hebrew
Customary Law

- Practices of Particular Groups
  - Indigenous Peoples, Tribal law

- Customs, Beliefs, taken on force of law over time

- Not formally codified. Usually not written down, but understood and accepted.

- No Surprise – it is difficult to research and locate.

- Often part of a Mixed System
Mixed Systems

- 2 or more systems within 1 jurisdiction
- Parallel existence
  - *Zimbabwe divorce law*, but if *customary*
- Usually cannot “shop” as application is compulsory based on religion or region or situation
Language

- Do I need to be proficient in a foreign language?
- Translations
- Dates?
- What legal materials are you looking for?
Foreign Legal Research Steps

■ Determine the legal system
  – Consider a jurisdiction specific research guide

■ Exactly what do you need
  – Have a citation or need one?

■ What are the sources of law

■ Do you or the patron speak the language?

■ Consult secondary sources
Research Strategies

- By jurisdiction
  - Government websites (parliaments, courts, ministries)
  - Portals
  - Commercial vendors

- By subject matter
  - Is there an association, igo, or ngo interested in this area?

Photo by Kathryn Decker from flickr Creative Commons
WorldLii(s)

- Free, collaborative resource developed by regional or national legal research institutes.
- Uneven coverage
- Still growing.
Foreign Law Guide

- Subscription required
- Good starting point when you have no citation
- Includes info on legal publications for each country
- Easy to navigate
Globalex Research Guides

- Comprehensive Collection of topic and country specific guides
- Often written by foreign practitioners and specialist
- Includes info on sources of law
Law By Topic

- **ECOLEX** (environmental laws, case law and treaties)
- **Doing Business Law Library** (World Bank)
- **FAOLEX** (food, agriculture, and natural resources)
- **ILO NORMLEX** (standards derived from the treaties) with **NATLEX** (labor, social security and human rights) and **EPLex** (employment protection) and related laws
- **REFWORLD** (more than refugee law)
- **WIPO LEX** (intellectual property laws and treaties)
- **Space Laws**
- **SHERLOC** (cases and legislation related to crime)
Law By Country

Free Regional Collections:

- [Death Penalty Worldwide database](https://www.cornell.edu/law/online/lawbycountry), Cornell Law School
- [ILGA LGBT rights and laws](https://www.ilga.org/)
- [EU N-Lex](https://eu-nlex.europa.eu/): searches into systems developed by EU member countries to retrieve national legislation
- [Global Health and Human Rights Law Database](https://www.law.cornell.edu/gphhrld) (case law)
- [Legislationline](https://legislationline.org/), focus on social and constitutional areas of legislation for member countries of the Organization for Security and Cooperation in Europe
- Library of Congress, [Guide to Law Online, Nations](https://law.cornell.edu/guides), collects links to executive, legislative, and judicial primary law as well as constitutions and constitutional law and relevant reports on law reform and recent developments, by country
Law By Country - Sampling

- France: Legifrance - French legislation and case law, treaties
- Japan: Japanese Law Translation – laws in translation unofficially from the Ministry of Justice
- Kenya: Kenya Law – cases and selected legislation
- Mexico: The Legal System of Mexico - master guide with extensive statutory and case law links
  - Suprema Corte de Justicia de la Nacion
- UK: Legislation.gov.uk for statutes and statutory instruments; Courts and Tribunals Judiciary for case law and administrative tribunals
  - LII of India – legislation, cases
Locating Constitutions...

- Remember Worldlii & Foreign Law Guide
- Constitute
- Lexadin (old)
- HeinOnline’s World Constitutions Illustrated.
Locating Legislation...

- No citation?
  - try Worldlii or Foreign Law Guide

- Business related?
  - a government website could work.

- Try Law by Topics

- Try one subject-specific database like NATLEX, Doing Business Law Library, etc.

- Have a citation, but not familiar with it
  - Use Cardiff Index to Legal Abbreviations.
  - Try Worldlii or the country legislature’s website
Locating Case Law

- Usually requires a combination of sources
  - SwaziLii

- Have a citation – see who has print reporter.
  - Norsk retstidende (Norway)

- Most national courts have decent websites.
  - Supreme Court of Brazil
  - Supreme Court of India

- Use non-traditional sources
Non Traditional Sources for Cases & Laws

- **International & Foreign Journals**
  - *Index to Foreign Periodicals*
  - *OUP*

- **Books**

- **Foreign Ministry Websites**

- **Desperation**
  - *News articles*
  - *Odd, friendly websites*
Tips

■ Dates
  - Coverage
  - *Format: M/D/Y (US) v. D/M/Y (rest of the world)*

■ Translations
  - *Person vs. Machine, date, official?*

■ Vocabulary
  - *Torts = obligations*
  - *Antitrust = unfair competition*

■ Country history
  - *Burma or Myanmar*
Tips

■ Spelling
  – Honor or honour
  – Organization or organization
  – Mohammed, Mohammad, Muhammad, etc

■ Country history
  – Burma or Myanmar
  – Russia or Soviet Union
The BlueBook

“Now, just one rule: cite to stuff using common sense--put in the case name and number. People will get it.

“A Uniform Normal Person’s System of Citation”
Table 2 – foreign jurisdictions
- Your country not listed
- You used a translation
- Use Rule 18 for internet sources

Rule 2 – general info

Bluebook offers no guidance:
- Search Westlaw, Lexis, or HeinOnline for an article that mentions your source and look at the footnotes for guidance.
QUESTIONS?

Level Unlocked, Proceed.
Good Luck!