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Six Steps to a Smaller World: Finding International Law from Your Desktop

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Six Steps to a Smaller World: Finding International Law from Your Desktop

by Jennifer Sekula

Researching the law of another country is one of the most challenging, yet interesting, tasks an attorney can take on. Every country presents potential obstacles to the researcher, including unfamiliar legal systems and terminology, varying levels of access to laws and related materials, and possibly one or more different languages to contend with. Despite all the variables, the following steps can help you get started with your research into any country's laws.

Start at the beginning. Take a moment to acquaint yourself with the country's legal system so you can understand the relevance of the documents that you'll find later. Many research guides, in print or online, contain such introductions. Alternatively, try searching in Google or another Internet search engine using the name of the country and "legal system" or "research guide."

See if someone else has already blazed the trail. Imagine researching an issue within the U.S. law of sales without having ever heard of the Uniform Commercial Code. You would stumble across thousands of cases with no idea of what their significance is—or whether there's other law on point. To make sense of it all, you would look for a good secondary source that explains the law and leads you to the most relevant statutes and decisions. Foreign research is no different. Check treatises, academic and bar journal articles, and free Web sites for descriptions of and citations to the laws of the country in which you're interested. Try

searches that combine the topic and the name of the country. If you need to know whether a divorce is valid under Ugandan law, for example, the search *Uganda /p divorce* in **LexisNexis.com** or Westlaw's journal database returns an article that cites and discusses six diverse laws that govern marriage and divorce in that country.

Look it up in Martindale-Hubbell. MH includes a helpful volume called the *International Law Digest* (also available on **LexisNexis.com**). The digest, written by local attorneys, provides a reasonably detailed, concise overview of a given nation's laws, with citations to relevant statutes or regulations. It covers eighty-one countries and the European Union, including most of the larger jurisdictions.

Seek out official Web sites of different countries about their laws. Stuart S. Malawer provides some links on his Web site at **www.InternationalTradeRelations.com**, under "Foreign Source Material."

Find a "Research Guide" on your country and/or topic. If none of the above suggestions help, you can set out on your own with the aid of a good, up-to-date guide to direct you to the resources where a country's laws can be found. One of the best free sites out there is **GlobaLex** from New York University (**www.nyulawglobal.org/globalex/**), which publishes guides by lawyers and librarians on countries from Afghanistan to Zimbabwe.

The most comprehensive foreign research guide of all is the *Foreign Law Guide*, a subscription-only online product (also published in print as *Foreign Law: Current Sources of Codes and Basic Legislation in Jurisdictions of the World*). The guide includes the names and citations to translations (if available) of more than 170 countries' codes, official journals, and other general legal sources. It also lists specific laws of each country by subject, with citations to translations if they exist.

Nail down the text of the law. Once you have your citation, the quickest way to locate the law is to search for it using an Internet search engine. If this doesn't work, try one of the Legal Information Institutes, which are Web sites that collect primary documents (collectively listed as "databases") and links to laws (collectively labeled "catalogs") from various countries. The biggest one is **WorldLII** (**www.worldlii.org**), where you can find links to regional LIIs at the bottom of the main page. **LexisNexis.com** and **Westlaw** are additional sources for laws, but only for a handful of foreign jurisdictions. Finally, if your law is reprinted in a book but you don't have access to it, see if you can obtain the book from a library.

Exercise caution when using translations of laws. Even "official" translations are not always as reliable as one might hope. Furthermore, many codes and cases have not been translated into

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English. You may wish to retain the services of a translation firm or local counsel to be certain that you are reading an accurate version of the law.

Treaties. If you discover that you actually need a treaty and not a foreign law, here are three sources to consult: Many multilateral treaties are administered by secretariats, which typically maintain Web sites that are great sources of a reliable version of the text. Enter the name of the treaty plus the word "secretariat" into an Internet search engine. Additionally, **LexisNexis.com** and



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Westlaw both include every treaty to which the U.S. is a party, starting with 1776 and 1778 respectively. Finally, the American Society of International Law (**www.asil.org**) offers a free, comprehen-

sive research tool called EISIL (Electronic Information System for International Law; **www.eisil.org**), which can help you locate treaties by subject, among other useful features.

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For more information on these awards, see www.vsb.org/site/members/awards-and-contests.