Enforcement of Foreign Judgments, Part I: A Selected Bibliography on United States Enforcement of Judgments Rendered Abroad

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Enforcement of Foreign Judgments, Part I: A Selected Bibliography on United States Enforcement of Judgments Rendered Abroad

This guide is a selected bibliography of primary and secondary materials on the recognition and enforcement in the United States of foreign country judgments. The time span represented by the cited publications is the nineteenth century through December 1992, with an emphasis on works published in the last three decades. Works regarding enforcement of money judgments handed down from courts form the core of the bibliography. Therefore, although some general and introductory materials concerning nonmoney judgments (such as family law materi-
ters) and arbitral awards are included, an exhaustive listing of those materials is beyond the scope of this bibliography.

Only materials published in the English language are included. The anticipated user of this guide is a legal practitioner who seeks to enforce a foreign judgment in the United States or to enforce a U.S. judgment in an overseas court.

In each part the materials are divided by type, beginning with primary materials and followed by secondary materials. Each type of material is subdivided into topics, with general topics presented first and specific topics following.

The overall organization of materials in each section, as well as the order of citations in each topic area, follows rule 1.4 of A Uniform System of Citation (15th ed. 1991) (the Bluebook). Citation forms are, wherever possible, in Bluebook format, with additional information provided where available, such as city and publisher.

Every effort was made to confirm the sources cited. In order to provide the most complete listing, however, some citations have been taken from bibliographic listings of other materials and therefore may be subject to error from multiple transposition. The author invites readers to bring other useful sources to his attention.

I. Enforcement of Foreign Judgments in the United States

A. Applicable Laws and Other Legal Instruments

1. Federal Laws

a. Jurisdiction


b. Service of Process


c. Pleading of Special Matters


d. Authentication of Judgment


e. Registration of Judgment

2. Abbreviations used in this subsection are as follows: Uniform Foreign Money-Judgments Recognition Act = UFMJRA; Uniform Enforcement of Foreign Judgments Act - UEFJA; Uniform Foreign-Money Claims Act = UFMCA; Justice of the Peace = JOP. The Uniform Foreign Money-Judgments Recognition Act is the uniform Act adopted specifically for the conversion of foreign country judgments. In contrast, the Uniform Enforcement of Foreign Judgments Act is solely for the enforcement of sister state judgments within the United States. The UEFJA adoptions are included because the Act may be useful for lateral enforcement between states once a foreign country judgment is converted to a local judgment in one state.
§§ 52–610 to –618 (1990) [UFMJRA].
1991 Conn. Legis. Serv. (West)
P.A. 91–324 (H.B. 7364) [abstention in multiple jurisdiction cases].

Delaware


tit. 10, §§ 4781 to 4787 (1991) [UEFJA].

District of Columbia


§§ 15–351 to –357 (1992) [UEFJA].
§ 12–307 (1992) [generally].

Florida


§§ 55.501 to .509 (West 1992) [UEFJA].

Georgia


§§ 3–701, 38–622, 37–627, 113–1508
(Harrison 1992) [generally].
§§ 110–1401 to –1409 (Harrison 1992) [UEFJA].
§§ 110–1301 to –1308 (1992) [UFMJRA].

Hawaii


§§ 658B–1 to –14 (1992) [UFMCA].
§§ 636C–1 to 638C–8 (1992) [UEFJA].

Idaho

Idaho Code

§§ 10–1301 to –1308 (1992) [UEFJA].
§§ 10–1401 to –1409 (1992) [UFMJRA].

Illinois

Ill. Ann. Stat. ch. 110

para. 12–627 to –634 (Smith-Hurd 1984) [UEFJA].
para. 12–618 to –626 (Smith-Hurd 1992) [UFMJRA].
para. 12–630 to –645 (Smith-Hurd 1991) [UFMCA].

Indiana

None.

Iowa

Iowa Code Ann.

§ 675.34 [Family Law].
§§ 626A.1 to .8 (1980) [UEFJA].
§§ 626B.1 to .8 (1989) [UFMJRA].

Kansas


§§ 60–3001 to –3008 (1991) [UEFJA].

Kentucky


§§ 426.950 to .975 (Michie 1991) [UEFJA].

Louisiana


§§ 13:4241 to :4247 (West 1992) [UEFJA].
art. 2541 (West 1985) [generally].
Maine  
ME. REV. STAT. ANN. tit. 14  
§§ 8001 to 8008 (West 1991) [UEFJA].

Maryland  
MD. CTS. & JUD. PROC. CODE ANN.  
§§ 10–601 (1992) [proof of judgment].  
§§ 11–801 to –807 (1992) [UEFJA].  
§§ 10–701 to –709 (1992) [UFMJRA].

Massachusetts  
MASS. GEN. LAWS ANN.  
ch. 235, § 23A (West 1992) [UFMJRA].  
ch. 233, § 69 (West 1992) [recognition].  
ch. 215, § 6 (West 1992) [support].

Michigan  
MICH. COMP. LAWS ANN.  
§§ 691.1151 to .1159 (West 1992) [UFMJRA].

Minnesota  
§§ 548.26 to .33 (West 1992) [UEFJA].  
§ 548.35 (West 1992) [UFMJRA].  
§§ 548.40 to .53 (West 1992) [UFMCA].  
§ 599.24 (West 1992) [foreign JOP].

Mississippi  
MISS. CODE ANN.  
§§ 11–7–301 to –309 (1991) [UEFJA].  
§ 13–1–101 (1991) [admissible as evidence].

Missouri  
MO. ANN. STAT.  
§ 511.760 (Vernon 1992) [UEFJA].  
§§ 511.770 to .787 (Vernon 1992) [UFMJRA].

Montana  
MONT. CODE ANN.  

Nebraska  
NEB. REV. STAT.  

Nevada  
NEV. REV. STAT. ANN.  
§§ 52.015 to .125 (Michie 1991) [generally].  
§§ 17.330 to .400 (Michie 1991) [UEFJA].

New Hampshire  
N.H. REV. STAT. ANN.  
§ 524:11 (1991) [Canadian judgments only].

New Jersey  
None.

New Mexico  
N.M. STAT. ANN.  
§§ 39–4B–1 to –9 (Michie 1991) [UFMJRA].  
§§ 39–4C–1 to –16 (Michie 1992) [UFMCA].  
1989 N.M. Laws 256 [UEFJA].

New York  
N.Y. CIV. PRACT. L. & R.  
§§ 5401 to 5408 (McKinney 1992) [UEFJA].

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§§ 5301 to 5309 (McKinney 1992) [UFMJRA].
§ 4541 (McKinney 1992) [foreign JOP].

North Carolina
N.C. GEN. STAT.
§§ 1C–1701 to –1708 (1992) [UEFJA].

North Dakota
N.D. CENT. CODE
§§ 28–20.1–01 to –08 (1991) [UEFJA].
§§ 32–41–01 to –13 (1991) [UFMCA].

Ohio
OHIO REV. CODE ANN.
§§ 2329.021 to .027 (Anderson 1991) [UEFJA].
§§ 2329.90 to .94 (Anderson 1991) [UFMJRA].

Oklahoma
OKLA. STAT. ANN. tit. 12
§§ 719 to 726 (West 1992) [UEFJA].
§§ 710 to 718 (West 1992) [UFMJRA].

Oregon
OR. REV. STAT.
§§ 24.010 to .180 (1991) [UEFJA].
§§ 24.200 to .255 (1991) [UFMJRA].

Pennsylvania
42 PA. CONS. STAT. ANN.
§ 4306 (1992) [UEFJA].
§§ 22001–22009 (1991) [UFMJRA].

Rhode Island
R.I. GEN. LAWS
§§ 9–32–1 to –8 (1991) [UEFJA].

South Carolina
None.

South Dakota
S.D. CODIFIED LAWS ANN.
§§ 15–16A–1 to –10 (1992) [UEFJA].

Tennessee
TENN. CODE ANN.
§§ 26–6–101 to –107 (1992) [UEFJA].

Texas
TEX. CIV. PRAC. & REM. CODE ANN.
§§ 35.001 to .008 (West 1992) [UEFJA].
§§ 36.001 to .008 (West 1992) [UFMJRA].

Utah
UTAH CODE ANN.
§§ 78–22a–1 to –8 (1992) [UEFJA].

Vermont
VT. STAT. ANN. tit. 12
§ 1698 (1991) [generally].

Virginia
VA. CODE ANN.
§§ 8.01–465.1 to –465.5 (Michie 1992) [UEFJA].
§§ 8.01–465.6 to –465.13 (Michie 1992) [UFMJRA].
§§ 8.01–465.14 to –465.25 (Michie 1992) [UFMCA].
Washington

WASH. REV. CODE ANN.
§§ 6.36.010 to .910 (West 1992) [UEFJA].
§§ 6.40.010 to .915 (West 1992) [UFMJRA].

West Virginia

W. VA. CODE
§ 57-1-12 (1992) [generally].
§§ 55–14–1 to -8 (1992) [UEFJA].

Wisconsin

WIS. STAT. ANN.
§§ 889.15 to .16 (West 1991) [as evidence].
§ 806.24 (West 1991) [UEFJA].

Wyoming

WYO. STAT.
§§ 1-17-701 to –707 (1992) [UEFJA].

3. Multilateral Treaties


4. Bilateral Treaties


5. Uniform Laws (Generally) and Restatements

Restatement (Second) of Conflict of Laws §§ 92–107 (1986)

B. Treatises and Books

1. General

GARY B. BORN & DAVID WESTIN, INTERNATIONAL CIVIL LITIGATION IN UNITED STATES COURTS: COMMENTARY AND MATERIALS ch. 9 (Deventer, Kluwer Law & Taxation Publishers 1989).

GEORGES R. DELAUME, LAW AND PRACTICE OF TRANSNATIONAL CONTRACTS ch. 7 (New York, Oceana Publications 1988).


EFFECTIVE DISPUTE RESOLUTION FOR THE INTERNATIONAL COMMERCIAL LAWYER 197 (Peter Summerfield & Dennis Campbell eds., Boston, Kluwer Law & Taxation Publishers 1989) [overview of Asian, civil, and common law country approaches].


ROBERT A. LEFLAR, AMERICAN CONFLICTS LAW 169 (1968).

MARTINDALE-HUBBELL LAW DIGEST—UNITED STATES LAW DIGESTS (New Providence, New Jersey, Martindale-Hubbell 1992) [state-by-state listing, under "judgments" section for each state].

VED P. NANDA & DAVID K. PANSIUS, LITIGATION OF INTERNATIONAL DISPUTES IN UNITED STATES COURTS ch. 12 (New York, Boardman 1988).


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EUGENE F. SCOLES & PETER HAY, CONFLICT OF LAWS ch. 24 (1982).

JOSEPH STORY, COMMENTARIES ON THE CONFLICT OF LAWS, FOREIGN AND DOMESTIC, IN REGARD TO CONTRACTS, RIGHTS, AND REMEDIES, AND ESPECIALLY IN REGARD TO MARRIAGES, DIVORCES, WILLS, SUCCESSIONS, AND JUDGMENTS ch. 15 (Arno Press 1972) (Boston, Hilliard, Gray & Co. 1834).


David Westin, Enforcing Foreign Judgments in the United States, in INTERNATIONAL LITIGATION 473 (ABA Section of International law and Practice 1989).

Philip R. Weems, United States, in ENFORCEMENT OF MONEY JUDGMENTS ABROAD (Philip R. Weems ed., New York, Matthew Bender 1991) [practice guide for forty-two countries (including the U.S.) by practitioners in those countries].

2. States

California

2 RICK SCHWARTZ & ALAN M. AHART, CALIFORNIA PRACTICE GUIDE—ENFORCING JUDGMENTS AND DEBTS ch. 6J (Encino, California, Rutter Group 1988).


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3. Specialized Areas

a. Antitrust


b. Arbitration Awards/New York Convention

GARY B. BORN & DAVID WESTIN, INTERNATIONAL CIVIL LITIGATION IN UNITED STATES COURTS: COMMENTARY AND MATERIALS ch. 10 (Boston, Kluwer Law & Taxation Publishers 1989).


c. Bankruptcy and Creditors' Rights

J.H. DALHUISEN, DALHUISEN ON INTERNATIONAL INSOLVENCY AND BANKRUPTCY §§ 1.05 to .07 (New York, Matthew Bender & Co. 1986).


d. Domestic Relations


4 C. MARKEY, CALIFORNIA FAMILY LAW: PRACTICE AND PROCEDURE §§ 52.05 to .06 (1987) [looseleaf].

e. Nonmoney Judgments (Equitable Remedies)

f. Sovereign Immunity/U.S.–Iran Claims Tribunal

GEORGES R. DELAUME, LAW AND PRACTICE OF TRANSNATIONAL CONTRACTS chs. 8, 10 (New York, Oceana Publications 1988).


Hugh J. Turner, Collection Procedures Against Foreign Sovereigns, in INTERNATIONAL LITIGATION 515 (ABA Section of International Law and Practice 1989).

C. JOURNALS

1. General

a. Signed


Ronan E. Degnan & Mary Kay Kane, The Exercise of Jurisdiction Over and Enforcement of Judgments Against Alien Defendants, 39 HASTINGS L.J. 799, 844–54 (1988) [focus on personal jurisdiction of alien defendants by U.S. courts; forum non conveniens, etc.; brief overview of enforcement].


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Arthur Nussbaum, Jurisdiction and Foreign Judgments, 41 Colum. L. Rev. 221 (1941).


b. Unsigned


c. Annotations


d. Magazine and Newspaper Articles


2. Federal

a. Signed


b. Annotations


3. States and Possessions (by State)

Arizona

California

Colorado
<table>
<thead>
<tr>
<th>State</th>
<th>Author/Mc.</th>
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<th>Source</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Note, <em>Foreign Nation Judgments: Recognition and Enforcement of Foreign Judgments in Florida and the Status of Florida Judgments Abroad</em></td>
<td><em>31 U. FLA. L. REV. 588 (1979)</em></td>
</tr>
<tr>
<td>Indiana</td>
<td>Jack G. Hittle</td>
<td><em>Foreign Judgments: To Docket or Not to Docket</em></td>
<td><em>31 RES GESTAE 177 (1987)</em></td>
</tr>
<tr>
<td>New Jersey</td>
<td>Peter Ernster</td>
<td><em>Recognition and Enforcement of Foreign Money Judgments: A Clear Position for New Jersey</em></td>
<td><em>22 RUTGERS L. REV. 327 (1968)</em></td>
</tr>
<tr>
<td>New York</td>
<td>Jennifer Freeman</td>
<td><em>Judgments in Foreign Currency—A Little Known Change in New York Law</em></td>
<td><em>23 INT’L LAW. 737 (1989)</em></td>
</tr>
<tr>
<td></td>
<td>Adolf Homburger</td>
<td><em>Recognition and Enforcement of Foreign Judgments: A New Yorker Reflects on Uniform Acts</em></td>
<td><em>18 AM. J. COMP. L. 367 (1970)</em></td>
</tr>
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<td></td>
<td>Ellen J. Pollock &amp; George Anders</td>
<td><em>Libel Judgment from Britain Is Rejected</em></td>
<td><em>WALL ST. J., Apr. 16, 1992, at B6</em></td>
</tr>
<tr>
<td></td>
<td>Fritz Weinschenk</td>
<td><em>Cheap Imports: Foreign Judgments in New York</em></td>
<td><em>N.Y.L.J., March 16, 1989, at 5</em></td>
</tr>
<tr>
<td>Ohio</td>
<td>Gregory A. Harrison</td>
<td><em>Ohio Enacts an Enforcement of Foreign Judgments Law</em></td>
<td><em>9 U. DAYTON L. REV. 391 (1984)</em></td>
</tr>
<tr>
<td></td>
<td>Daniel J. Hoffheimer</td>
<td><em>Recognition and Enforcement of Foreign Country Money-Judgments</em></td>
<td><em>58 OHIO ST. B.A. REP. 1288 (1985)</em></td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Sylvia Marks-Barnett</td>
<td><em>Enforcement of Foreign Support of Orders, Judgments or Decrees</em></td>
<td><em>52 OKLA. B.J. 1801 (1981)</em></td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Zicherman &amp; Brand</td>
<td><em>Improving the Litigation Climate for Pennsylvania Business: The Uniform Foreign Money-Judgments Recognition Act</em></td>
<td><em>7 PITT. LEGAL J. 36 (1989)</em></td>
</tr>
</tbody>
</table>

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Puerto Rico


Texas


4. Specialized Areas

a. Administration Orders and Public Rights


b. Admiralty


c. Antitrust


d. Arbitration Awards/New York Convention


e. Bankruptcy and Creditor’s Rights


f. Defamation

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g. Domestic Relations


*Special Issue: Divorce Law Around the World*, FAM. ADVOC., Spring 1987, at 9 [ten articles covering practice for inbound and outbound enforcement].


P.H. Vartanian, Annotation, *Decree for Alimony Rendered in Another State or Country (or Domestic Decree Based Thereon) as Subject to Enforcement by Equitable Remedies or by Contempt Proceedings*, 18 A.L.R.2d 862 (1951 & Supp. 1992).


h. International Court of Justice


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i. **Nonmoney Judgments (Equitable Remedies)**


j. **Sovereign Immunity/U.S.–Iran Claims Tribunal**


**k. Tax**


**l. U.S./U.K. Convention**


