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 mat-

*Professor of Law, Southwestern University School of Law, Los Angeles, California. Special recognition is due Fredrick Ray, Southwestern Class of 1993, without whose expert research assistance this bibliography would not have been completed. The author also appreciates the earlier assistance of student researchers, Mark Tackitt and Debra Belanger, and Southwestern Research Librarian, David McFadden. Amber Lee Smith, International and Comparative Law Librarian of the Los Angeles County Law Library, reviewed an edition of the bibliography and offered many helpful suggestions. Finally, the author is grateful for the research support of Southwestern University School of Law.

**Part II, which is scheduled for publication in the Winter 1993 issue of THE INTERNATIONAL LAWYER (Volume 27, No. 4), will include a selected bibliography of materials on enforcement of U.S. and other country judgments outside the United States as well as materials on reform issues.

1. All primary treaty materials and secondary materials are cumulative (i.e., they are listed, although they may be subsequently superseded or outdated) with the exception of those treatises that have revised editions, in which case the most recent edition found is listed. U.S. statutes and foreign statutes are those in effect as of August 1992.
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

f. Relief from Judgment or Order

Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc., Fed. R. Civ. P. 60(b) (1992).

g. Stay of Proceedings to Enforce a Judgment


2. State Laws (including District of Columbia)\(^2\)

Alabama ALA. CODE §§ 6-9-230 to -238 (1986) [UEFJA].

Alaska ALASKA STAT. §§ 9.03.100 to .180 (1992) [UFMJRA]. §§ 9.03.200 to .270 (1992) [UEFJA].


Arkansas ARK. CODE ANN. §§ 16-66-601 to -619 (1992) [UEFJA].


---

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.

SUMMER 1993
<table>
<thead>
<tr>
<th>State</th>
<th>Code or Statutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>DEL. CODE ANN. tit. 10, §§ 4781 to 4787 (1991) [UEFJA].</td>
</tr>
<tr>
<td>Florida</td>
<td>FLA. STAT. ANN. §§ 55.501 to .509 (West 1992) [UEFJA].</td>
</tr>
<tr>
<td>Indiana</td>
<td>None.</td>
</tr>
<tr>
<td>Iowa</td>
<td>IOWA CODE ANN. § 675.34 [Family Law]. §§ 626A.1 to .8 (1980) [UEFJA]. §§ 626B.1 to .8 (1989) [UFMJRA].</td>
</tr>
<tr>
<td>Kansas</td>
<td>KAN. STAT. ANN. §§ 60–3001 to –3008 (1991) [UEFJA].</td>
</tr>
<tr>
<td>Kentucky</td>
<td>KY. REV. STAT. ANN. §§ 426.950 to .975 (Michie 1991) [UEFJA].</td>
</tr>
<tr>
<td>Louisiana</td>
<td>LA. REV. STAT. ANN. §§ 13:4241 to :4247 (West 1992) [UEFJA]. LA. CODE CIV. PROC. art. 2541 (West 1985) [generally].</td>
</tr>
</tbody>
</table>
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
MINN. STAT. ANN.
§§ 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. PRAC. L. & R.
§§ 5401 to 5408 (McKinney 1992) [UEFJA].
§§ 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) [UFMJA].  
§§ 8.01–465.14 to –465.25 (Michie 1992) [UFMCA].
3. **Multilateral Treaties**


4. **Bilateral Treaties**


5. **Uniform Laws (Generally) and Restatements**


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).


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


3. Specialized Areas

a. Antitrust


b. Arbitration Awards/New York Convention


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].


SUMMER 1993


b. Unsigned


c. Annotations


ENFORCEMENT OF FOREIGN JUDGMENTS 485


d. Magazine and Newspaper Articles


2. Federal

a. Signed


SUMMER 1993


b. Annotations


3. States and Possessions (by State)

Arizona


California


Colorado

<table>
<thead>
<tr>
<th>State</th>
<th>Source</th>
</tr>
</thead>
</table>
4. Specialized Areas

a. Administration Orders and Public Rights


b. Admiralty


c. Antitrust


d. Arbitration Awards/New York Convention


SUMMER 1993
e. Bankruptcy and Creditor's Rights


f. Defamation

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


SUMMER 1993

i. Nonmoney Judgments (Equitable Remedies)


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


k. Tax


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


