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

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BIBLIOGRAPHY

ROBERT E. LUTZ*

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.¹ 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-

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**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treaty materials and secondary materials are cumulative (i.e., they are listed, although they may be subsequently superseded or outdated) with the exception of those treatises that have revised editions, in which case the most recent edition found is listed.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

Federal Question, 28 U.S.C. § 1331 (1982).

Diversity of Citizenship; Amount in Controversy: Costs, 28 U.S.C. § 1332(a)(2) (1982).

b. Service of Process

Service in Foreign and International Litigation, 28 U.S.C. § 1696 (1982).

Service: Summons and Complaint, FED. R. CIV. P. 4(c)(2)(c) (1992).

Service Upon Party Not Inhabitant of or Found Within State, FED. R. CIV. P. 4(e) (1992).

Alternative Provisions for Service in a Foreign Country, FED. R. CIV. P. 4(i) (1992).

c. Pleading of Special Matters

Judgment, FED. R. CIV. P. 9(e) (1992).

d. Authentication of Judgment

Foreign Official Documents, 28 U.S.C. § 1741 (1982).

Proof of Official Record, FED. R. CIV. P. 44 (1992).

e. Registration of Judgment

Registration in Other Districts, 28 U.S.C. § 1963 (1990).

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*

FED. R. CIV. P. 62 (1992).

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].
Arizona	ARIZ. REV. STAT. ANN. §§ 12-544, -549 (1992) [generally]. §§ 12-1701 to -1708 (1992) [UEFJA].
Arkansas	ARK. CODE ANN. §§ 16-66-601 to -619 (1992) [UEFJA].
California	CAL. CIV. PROC. CODE §§ 676 to 676.16 (1992) [UFMCA]. §§ 1710 to 1710.65 (1992) [sister states]. §§ 1713 to 1713.8 (1992) [UFMJRA]. § 1914 (1992) [admiralty].
Colorado	COLO. REV. STAT. §§ 13-53-101 to -108 (1992) [UEFJA]. §§ 13-62-101 to -109 (1992) [UFMJRA]. §§ 13-62.1-101 (1992) [UFMCA]. §§ 14-11-101 (1992) [family law]. Rule 44 (1990).
Connecticut	CONN. GEN. STAT. §§ 50a-50 to -65 (1990) [UFMCA]. § 52-576 (1990) [contracts]. §§ 52-604 to -609 (1990) [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.

- §§ 52-610 to -618 (1990) [UFMJRA].
1991 Conn. Legis. Serv. (West)
P.A. 91-324 (H.B. 7364) [abstention in multiple jurisdiction cases].
- Delaware DEL. CODE ANN.
tit. 10, §§ 4781 to 4787 (1991) [UEFJA].
- District of Columbia D.C. CODE ANN.
§§ 15-351 to -357 (1992) [UEFJA].
§ 12-307 (1992) [generally].
- Florida FLA. STAT. ANN.
§§ 55.501 to .509 (West 1992) [UEFJA].
- Georgia GA. CODE ANN.
§§ 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 HAW. REV. STAT.
§§ 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 KAN. STAT. ANN.
§§ 60-3001 to -3008 (1991) [UEFJA].
- Kentucky KY. REV. STAT. ANN.
§§ 426.950 to .975 (Michie 1991) [UEFJA].
- Louisiana LA. REV. STAT. ANN.
§§ 13:4241 to :4247 (West 1992) [UEFJA].
LA. CODE CIV. PROC.
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	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. §§ 25-9-501 to -508 (1991) [UEFJA]. §§ 26-3-203 to -205 (1991) [as evidence].
Nebraska	NEB. REV. STAT. §§ 25-1587 to -15,104 (1991) [UEFJA].
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].

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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]. §§ 78-22b-101 to -116 (1992) [UFMCA].
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].

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