



Service of Process Abroad

Basic Information

American Jurisprudence. 2nd ed., v. 62B "Process". **Level 3 KF154.A42.**

X. Service of Process Abroad. Sections 357-384.

Abbell, Michael. Obtaining Evidence Abroad in Criminal Cases. Ardsley, NY: Transnational Publishers, c2001-. **Level 3 KF9760.A23.**

Bermann, George A. Transnational Litigation in a Nutshell. St. Paul: Thomson West, c2003. **Level 1 Reference K7615.B47 2003**

Beverly L. Jacklin, Annotation, "Service of Process by Mail in International Civil Action as Permissible under Hague Convention", 112 A.L.R. Fed. 241 (1993). **Level 3 KF132.A47.**

Born, Gary. International Civil Litigation in U.S. Courts. New York: Aspen Publishers, 2007. **Level 3 KF8840.B66 2007.**

Business and Commercial Litigation in Federal Courts. Robert L. Haig, ed. American Bar Association, Section of Litigation. 6 v. + cd-rom 2003. Looseleaf. St. Paul: West, 1998. **Level 3 KF8925.C55B87.**

Excellent basic information in v. 2, chapter 17 "Litigating International Disputes in Federal Courts". Updated with pocketparts.

Epstein, David. International Litigation: a Guide to Jurisdiction, Practice, and Strategy, by David Epstein, Jeffrey L. Snyder and Charles S. Baldwin, IV. 3rd ed. Looseleaf. Ardsley, NY: Transnational, 1998. **Level 1 Reference K7615.4.E67 1998.**

For general background and guidance. Forms and conventions. Updated.

Germain, Claire M. Germain's Transnational Law Research: a Guide for Attorneys. Looseleaf. Ardsley, N.Y.: Transnational Juris, 1991-. **Level 1 Reference K85.G47.**

International Business Litigation & Arbitration. 2 v. New York: Practising Law Institute, 2000-. **Level 1 K2400.Z9 I584.**

Contains documents and guides.

International Commercial Litigation. New York: Practising Law Institute, 1998-. Annual update. **Level 1 K7340.I584.**

Current, practical information on service of process as well as discovery abroad.

International Litigation: Defending and Suing Foreign Parties in U. S. Federal Courts. David J. Levy, ed. Chicago: ABA, Tort Trial & Insurance Practice Section, c2003. **Level 3 KF8840.I58 2003.**

Laura W. Smalley “How to Conduct International Discovery”, 71 Am. Jur. Trials 1 (1999).
Level 3 KF 8915.A74.

A very useful basic article.

McClellan, J. D. International Co-operation in Civil and Criminal Matters. Oxford: Oxford University Press, 2002. **Level 3 K2115.M39 2002.**

Includes regional information.

Nanda, Ved P. and David K. Pansius. Litigation of International Disputes in U.S. Courts. Looseleaf, updated annually. St. Paul: Thomson/West, 2003. **Level 3 KF8940.P75 N36 2003.**

For the practitioner. Chapter 2 covers service of process abroad.

Obtaining Discovery Abroad. 2nd ed. Chicago: ABA Section of Antitrust Law, c2005.
Level 3 KF8900.O28 2005.

Restatement of the Law, Third: The Foreign Relations Law of the United States. Updated annually with pocketparts. St. Paul: American Law Institute, 1987.

Level 3 KF4651.R47.

Chapter 7, Sections 471-474 “Judicial Assistance”.

Ristau, Bruno A. International Judicial Assistance. Looseleaf (latest received 2000).

Washington, D. C.: International Law Institute, 1984-. **Level 1 K7624.R5.**

v. 1: Practical, forms v. 2: Convention texts, with declarations & designations. Individual countries.

Weintraub, Russell J. International Litigation and Arbitration: Practice and Planning.

4th ed. Durham: Carolina Academic Press, c. 2003. **Level 1 K7615.3.W45 2003.**

Suing foreign defendants in U.S. courts, recognition of judgments.

Wright, Charles Alan, Arthur R. Miller and Mary Kay Kane. Federal Practice and Procedure. 3rd

ed. Vol. 4B. Updated annually with pocketpart. St. Paul: West, 2002. **Level 3 KF8840.W68.**

Sections 1133-1136 deal with “Service in a Foreign Country”.

Journal Articles

Find these in print in the Law Library, on Westlaw and LexisNexis and the database, HeinOnline.

Edward Burton, “Service of Process Abroad”, 16 GP Solo & Small Firm Lawyer, Oct.-Nov. 1999, at 18.

Phillip Buhler. “Transnational Service of Process and Discovery in Federal Court Proceedings: An Overview.” 27 Tul. Mar. L. J. 1 (2002).

John Fellas, “Obtaining Evidence Abroad for Use in International Litigation: Evidence Located in the United States”, 29 International Business Lawyer 297 (2001).

Julie C. Ferguson and David A. Pearl, “International Litigation in the Hemisphere”, 13 American University International Law Review 953 (1998).

Kim M. Forcino, Note, “International Service of Process: The Trend Moves Away from Uniformity”, 8 Pace International Law Review 485 (1996).

Anne-Marie Kim, Note, “The Inter-American convention and Additional Protocol on Letters Rogatory: The Hague Service Convention’s “Country Cousins”?”, 36 Columbia Journal of Transnational Law 687 (1998).

Terry W. Posey Jr., Case Note, “You’ve Got Service” (service of process by email on foreign defendant) 28 University of Dayton Law Review 403 (2003).

Martin Reufels and Kari Kelly, “Transatlantic discovery: how useful is the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters”, 29 International Business Lawyer 291 (2001).

Specific Countries *

*Refer to table on page 5 for specific country information.

(1) Cromie, Stephen. International Commercial Litigation. 2nd ed. London, Butterworths, 1997. **Level 1 K1005.4.C76 1997**.

The second part of this treatise deals with serving proceedings, obtain evidence and enforcing judgments between countries. Deals with 8 countries: Australia, Canada, England and Wales, France, Germany, Japan, Switzerland, USA.

(2) Dispute Resolution in Asia. Michael Pryles, ed. The Hague: Kluwer, 1997. **Level 1 KNC499.D57 1997**

Focus is on dispute resolution, however, each country has a very brief account of the procedures for “obtaining evidence abroad”. (This may be true of a number of enforcement of judgment texts also. Australia, People’s Republic of China, Hong Kong, Japan, Malaysia, The Philippines, Singapore, Taiwan, Thailand, Vietnam.

(3) Encyclopedia of International Commercial Litigation. Anthony Colman, ed. 2v. Looseleaf, updated twice yearly (latest received March 2002). London: Kluwer, 1991. **Level 1 K1004.3.C65 1991**

Information about the courts of various countries and “to supply an overview of foreign commercial litigation practices which can be consulted before approaching local lawyers.” Argentina, Australia, Austria, Belgium, Bermuda, Brazil, Canada, People’s Republic of China, Czech Republic, Denmark, Egypt, England and Wales, France, Germany, Greece, Hungary, India, Indonesia, Israel, Italy, Japan, Jersey, Republic of Korea, Kuwait, Malaysia, The Netherlands, Poland, The Russian Federation, Singapore, Spain, Sweden, Switzerland, Taiwan, Thailand, U.S.A., Uruguay, Vietnam.

(8) European Judicial Network in Civil and Commercial Matters

http://europa.eu.int/comm/justice_home/ejn/index_en.htm

“The main objective is to make life easier for people facing litigation of whatever kind where there is a transnational element ...”. The EU has a variety of legal systems which may create confusion when litigation crosses national borders. The database is still building but there is a good amount of information regarding service of documents and taking of evidence.

(4) International Judicial Assistance in Civil Matters. Dennis Campbell, General Editor. Ardsley, N.Y.: Transnational, 1999. **Level 1 K7624.I587 1999**

Chapters on forum selection agreements, service of process, letter rogatory, discover, enforcement written by legal professional from various countries including Albania, Belgium, Brazil, China, England, Denmark, French, Germany, Italy, Jordan, Malta, Scotland, South Africa, Spain, Switzerland, United States

(5) Obtaining Evidence in Another Jurisdiction in Business Disputes. Charles Platto and Michael Lee, eds. 2nd ed. London: Graham & Trotman, 1993. **Level 1 K7673.O27 1993**

“a comparative study of procedures for obtaining evidence in civil and commercial matters in the major jurisdiction...”. Australia, Hong Kong, India, Japan, New Zealand, Singapore, Belgium, France, Germany, The Netherlands, United Kingdom, Argentina, Brazil, Mexico, Canada, United States.

(10) Ristau, Bruno A. International Judicial Assistance. Looseleaf (latest received 2000). Washington, D. C.: International Law Institute, 1984-. **Level 1 K7624.R5**
v. 2: Convention texts, with declarations & designations. Individual countries, some in greater detail.

(6) Serving Process and Obtaining Evidence Abroad. The Comparative Law Yearbook of International Business, Special Issue. London: Kluwer, 1998. **Level 1 K7624.S47 1998.**

How to bring proceedings in a number of countries: Australia, Austria, Belgium, Denmark, Germany, Italy, Mexico, New Zealand, Portugal, Singapore, Spain, Switzerland, United Kingdom, United States.

(7) Transnational Litigation: a practitioner’s guide. Richard H. Kreindler, general editor. 3 v. Looseleaf. Dobbs Ferry, N.Y.: Oceana, 1997-. **Level 1 K2205.4.T73**

“...a practically-oriented guidebook for cross-border litigation.” On a country-by-country basis, including Australia, Austria, Belgium,, Brazil, Canada, China, People’s Republic, Czech Republic, Denmark, Finland, France, Germany, Hungary, India, Italy, Japan, Korea, Kuwait, Philippines Russian Federation, Singapore, Spain, Sweden, Switzerland, Taiwan, Turkey, United Kingdom, U.S.A. United Arab Emirates. Includes treaties.

Internet Sites

(9) Department of State: International Judicial Assistance

<http://www.state.gov/s/l/c3561.htm>

Text, and other research information, of Private International Law Conventions.

http://www.travel.state.gov/law/info/judicial/judicial_2510.html

This one has 40 countries listed with very specific information about service of process.

Hague Convention on the Service of Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. Hague Conference of Private International Law

http://www.hcch.net/index_en.php?act=conventions.text&cid=17

Service of Process Abroad by Country*

*See pages 3-4 above for titles

Albania	4	Jersey	3
Antigua & Barbuda	10	Jordan	4, 9
Argentina	3, 5, 10	Korea	7
Armenia	10	Kuwait	3, 7, 10
Australia	1, 2, 3, 5, 6, 7, 9, 10	Latvia	8, 10
Austria	3, 6, 7, 8, 10	Lithuania	8
Bahamas	10	Luxembourg	8, 9, 10
Barbados	10	Malawi	10
Belarus	10	Malaysia	2, 3, 9, 10
Belgium	3, 4, 5, 6, 7, 8, 9, 10	Malta	4, 8, 10
Bermuda	3	Mexico	5, 6, 8, 9, 10
Bolivia	10	Monaco	10
Botswana	10	The Netherlands	3, 5, 8, 9, 10
Brazil	3, 4, 5, 7, 9, 10	New Zealand	5, 6, 9, 10
Brunei Darussalam	10	Nigeria	10
Bulgaria	10	Norway	9, 10
Canada	1, 3, 5, 7, 8, 9, 10	Pakistan	9, 10
Chile	10	Panama	10
China	2, 3, 4, 7, 9, 10	Paraguay	10
Colombia	10	Peru	10
Costa Rica	10	Philippines	2, 7, 8, 9, 10
Croatia	9, 10	Poland	3, 10
Cyprus	8, 9, 10	Portugal	6, 8, 9, 10
Czech Republic	3, 7, 8, 9, 10	Russian Federation	3, 7, 9, 10
Denmark	3, 4, 6, 7, 9, 10	St. Lucia	10
Ecuador	10	St. Vincent and Grenadines	10
Egypt	3, 10	Scotland	4
El Salvador	9, 10	Seychelles	10
England and Wales	1, 3, 4 See also Great Britain	Singapore	2, 3, 5, 6, 7, 9, 10
Estonia	8, 10	Slovak Republic	8, 9, 10
Fiji	9, 10	Slovenia	8, 9, 10
Finland	7, 8, 9, 10	Solomon Islands	10
France	1, 3, 4, 5, 7, 8, 9, 10	South Africa	4, 10
Germany	1, 3, 4, 5, 6, 7, 8, 9, 10	Spain	3, 4, 6, 7, 8, 9, 10
Greece	3, 8, 9, 10	Sweden	3, 7, 8, 9, 10
Guatemala	10	Switzerland	1, 3, 4, 6, 7, 10
Honduras	9, 10	Taiwan	2, 3, 7, 9, 10
Hong Kong	2, 5, 9, 10	Thailand	2, 3, 9
Hungary	3, 7, 8, 10	Turkey	7, 10
India	3, 5, 7	United Kingdom	4, 5, 6, 8, 9, 10
Indonesia	3, 9	United States	1, 3, 4, 5, 6, 7, 10
Ireland	8, 9, 10	United Arab Emirates	7
Israel	3, 9, 10	Uruguay	3, 10
Italy	3, 4, 6, 7, 8, 9, 10	Venezuela	10
Japan	1, 2, 3, 5, 7, 9, 10	Vietnam	2, 3