

Issues and Trends in Collection Development for East Asian Legal Materials*

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The authors delineate the general policy and guidelines for developing foreign and transnational law collections in U.S. law libraries, and they analyze factors that shape East Asian collections, such as law libraries' preservation and digitization efforts and their related cost-efficiency, and the availability and quality of English translations. The authors then discuss the main sources for Korean, Japanese, and Chinese law.

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Introduction

¶1 The past decade of globalization has thrust East Asian countries such as China, Japan, and South Korea (also called the Republic of Korea) into the forefront of international politics and commercial trade. This has resulted in growing research interest in the interplay of differing legal systems, implementation of the rule of law, and compliance with standards and norms of international law by these countries. However, for academic law libraries confronted with shrinking budgets, shifting research interests, and proliferating print and electronic sources with steeply rising costs, developing foreign law collections of continuing relevance and utility without affecting the scope and integrity of the overall library collection remains a difficult balancing act.

¶2 Conducting legal research relating to East Asian countries increasingly requires proficiency in both English and the vernacular. Acquiring materials in the vernacular, particularly in print, adds associated processing costs and necessitates personnel with appropriate language skills. Subscribing to electronic sources, on the other hand, is often analogous to leasing and generally deprives the library of ownership of the materials as well as the benefit of continued future use. Collaborative interlibrary lending and cooperative collection development programs among libraries and consortia are pragmatic options worth exploring.

¶3 This article will first delineate the general policy and guidelines for developing foreign and transnational law collections in U.S. law libraries. It will then analyze factors that shape East Asian collections, such as the libraries' preservation and digitization efforts and their related cost-efficiency, and the availability and quality of English translations. Next, print and electronic resources for conducting research in the laws of South Korea, Japan, and China, as well as Hong Kong, Macau, and Taiwan, are comprehensively surveyed. The concluding section explores the pressing issues, current trends, and challenges in developing South Korean, Chinese, and Japanese law collections in an academic law library in the United States.

Collection Development for Foreign and Transnational Law

¶4 Building a foreign law collection in an academic law library is challenging mainly because of the number of jurisdictions it should cover. This is becoming even more apparent as the globalization of legal practice leads legal researchers to work with more foreign legal issues. A good foreign law collection that can satisfy all the scholarly and practical needs of library patrons may be a “luxury confined only to the very largest research libraries.”¹ Even large libraries are experiencing difficulty in collecting foreign legal materials because of their shrinking budgets. Given these constraints, what should a law library consider when collecting foreign legal materials?

¶5 First, the foreign law collection in an American academic law library should be commensurate with the mission of the law school and its law library. According to Standard 606 of the ABA standards for law schools, a law library shall provide a collection that meets the information needs of the law school’s constituency, including the faculty and students.² Foreign law collections are typically designed to enhance the library’s ability to offer the law school community high-quality information resources for foreign law research.

¶6 At the same time, under Standard 606 and its interpretations, a foreign law collection is not included in the core collection of essential materials.³ Thus, the foreign law collection development of a library is not specifically regulated; rather, it is broadly delineated by the collection development standard under which libraries need to satisfy the information needs of the law school’s faculty and students.

¶7 Though there are many decisions that factor into a collection development policy for foreign law materials, libraries must ultimately choose countries of interest and collecting levels for those countries. The depth of a collection is determined by how comprehensively it covers the legal system of a country, such as common law, civil law, or Islamic law, and by the types and purposes of sources collected. Types of sources refer to primary and secondary sources—intensive collections include primary and secondary sources as well as transnational commentary—and purposes of sources can be research, instruction, or guidance and introduction—intensive collections will serve the purpose of in-depth research.

¶8 The Research Libraries Group (RLG) developed a system of collecting levels for libraries to use as a guide in collection development.⁴ Levels are numbered from 0 to 5, with higher numbers indicating more complete collections. The following is a sample collecting level description for foreign legal materials:

Level 5—Comprehensive Level: A collection which, so far as is reasonably possible, includes all significant works of recorded knowledge (publications,

1. Mary Rumsey, *Going Global: Developing an Electronic Foreign and International Law Collection: Part 2*, 18 *TRENDS L. LIBR. MGMT. & TECH.* 43, 46 (2008).

2. AM. BAR ASS’N, 2012–2013 STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 45–46 (2012).

3. See *id.* at 45.

4. See *Collecting Levels*, LAW LIBRARY OF CONG., <http://www.loc.gov/acq/devpol/cpc.html> (last visited Apr. 23, 2013) for the Library of Congress’s description of collecting levels under the RLG system, known as the RLG Conspectus.

manuscripts, and other forms) in all applicable languages on a specific jurisdiction or region. The aim is exhaustiveness. Older material is retained for historical research.

Level 4—Research Level: A collection that includes the major published materials about a jurisdiction required for dissertations and independent research, including materials containing research reporting, new findings, scientific experimental results, and other information useful to researchers. It should aim to include all important reference works and a wide selection of specialized monographs, as well as a very extensive collection of journals on a jurisdiction, or a region that includes the jurisdiction, and major indexing and abstracting services in the jurisdiction. Older material is retained for historical research. The library collects current, modified, and superseded primary sources of law from both civil and common law countries in English. The library also collects case reports from civil law countries.

Level 3—Instructional Support Level: A collection that is adequate to support law school instruction or sustained independent study; that is, adequate to maintain knowledge of a jurisdiction required for limited or generalized purposes, of less than research intensity. It includes a wide range of basic monographs, complete collections of works of more important writers, selections from the works of secondary writers, a selection of representative journals from a region or jurisdiction, and reference tools and fundamental bibliographical apparatus pertaining to a jurisdiction. The library collects current primary sources of law—codes and case reports—in both civil and common law countries in English or in the vernacular if there is no translation available, and there are faculty or librarians who can read the language of a jurisdiction.

Level 2—Basic Information Level: A collection of up-to-date collective works on selected subject areas in English depending on faculty requests. It includes research guides that describe and define the legal system of a jurisdiction and provide references/citations to other sources. The library collects transactional materials relating to a jurisdiction, and it may also collect dictionaries to translate vernacular works of a jurisdiction into English, selected editions or translations of important monographs on a jurisdiction, and handbooks. A basic information collection is not sufficient to support any courses of independent study in the subject area involved. The library selectively collects primary sources of a jurisdiction.

Level 1—Minimal Level: A collection of collective works that provide information on the history and legal system of a jurisdiction. The library collects a limited number of general works in English in major subject areas such as constitutional law, tax law, computer law, copyright law, and so forth.

Level 0—Out-of-Scope: The library does not collect any materials for this jurisdiction.

¶9 Libraries can conserve collection budgets by buying works that compare countries or regions on topics of interest. Most of these collected materials exist in English. Libraries' collections of foreign law materials should also include collective

works covering many countries. Examples of these are *Investment Laws of the World*, *Constitutions of the Countries of the World*, *vLex*, HeinOnline's *World Constitutions Illustrated*, foreign law collections on Westlaw and LexisNexis, *Commercial Laws of the World*, and *Tax Laws of the World* available via RIA Checkpoint.

Foreign Law Collection Development Challenges

¶10 Academic law libraries in the United States are increasingly providing access to materials by licensing electronic resources rather than acquiring the print resources. For the first time, e-book sales outnumbered sales of hardcover books in the first quarter of 2012⁵ (although law libraries' buying patterns did not match this trend). Patron-driven acquisition (PDA) for e-books is helping libraries' collection budgets and is gaining popularity in the United States.⁶ PDA allows book records to be placed in a library's catalog, but the library does not pay to own the e-book unless the book is accessed a specified number of times. Prior to that, the library pays only a "short-term loan" cost each time the e-book is used by a patron.

¶11 However, it may be too early to apply these collection trends to foreign law and transactional law collections; in fact, it is currently quite difficult to do so.⁷ While most current primary sources of law are available online,⁸ libraries are still acquiring many materials relating to foreign and transnational law in print, because many foreign legal commentaries and historical primary sources are not yet digitized. Even if the materials are available online, libraries need separate subscriptions to foreign law databases such as Westlaw China or LexisNexis JP, which can be costly and contain many materials that academic legal researchers either may not need or need only sporadically.⁹ An option such as PDA is also challenging. Not only is PDA in its primitive stages, but PDA negotiation with foreign vendors would be complicated by the different practices and standards of libraries around the world.¹⁰

¶12 Selecting and buying foreign law materials in print is also difficult because librarians often cannot determine the content of books until they arrive in the United States, and because commentaries and English translations are expensive. Borrowing from libraries overseas is not optimal due to time delays and the cost of

5. Jason Boog, *eBook Revenues Top Hardcover*, GALLEYCAT (June 15, 2012, 3:42 P.M.), http://www.mediabistro.com/galleycat/ebooks-top-hardcover-revenues-in-q1_b53090. Trade paperbacks, however, had the largest sales.

6. Steve Kolowich, *Affection for PDA*, INSIDE HIGHER ED (June 20, 2012, 3:00 A.M.), <http://www.insidehighered.com/news/2012/06/20/research-foresees-demand-driven-book-acquisition-replacing-librarians-discretion>.

7. See Rumsey, *supra* note 1, at 47.

8. Free Internet web sites are a good place to find primary law materials and should be considered in developing foreign law collections. Of course, librarians must take into account web sites' reliability in terms of coverage, authority, currency, accuracy, and usability. If there are reliable primary resources available on web sites, libraries can put links to them in their online catalogs.

9. Mary Rumsey recommends the "just-in-time" method for handling high-cost foreign law databases. This collection method for subscription databases is designed to serve temporary needs of faculty and students and allows law libraries to flexibly start and cancel subscriptions. Rumsey, *supra* note 1, at 46.

10. For more on this topic, see generally PATRON-DRIVEN ACQUISITIONS (David A. Swords ed., 2011).

shipping. Interlibrary loan for foreign legal materials among libraries within the United States can be problematic as well: because each law school focuses on a different set of countries, overlapping foreign collections are few and far between. Therefore, other forms of access to materials, such as reciprocal arrangements with other U.S. libraries and cooperative collection development, may be the best option for academic libraries that do not have enough money to develop a foreign law collection that meets all of their needs.

¶13 The collection development policy for foreign legal materials will thus reflect a wide variety of factors: the library's available budget for foreign law materials, the number of foreign law faculty members and their interests, whether the law school has a student-edited foreign and comparative law journal, whether there is space to house the collection, and what decisions are made about the balance between print and electronic resources. Recognizing the problems and difficulties in collecting foreign law materials, libraries should design collection development policies that take into account the uniqueness of a country's legal resources and research tools.

Issues Relating to East Asian Law Collection Development

¶14 East Asian law collection development in academic law libraries in the United States exhibits a few unique features and challenges of its own. This is partly because East Asian countries have not only different legal systems—mostly variations on the civil law system (with the exception of Hong Kong)—but also differing development of their legal publishing industries.

¶15 Academic law libraries in the United States are experiencing an unprecedented and growing demand for Chinese legal materials in both Chinese and English, while at the same time they are confronting an exponential growth of publications on Chinese law in China as well as in the United States. The demand for Korean legal materials is also increasing. In addition to Korea's long-standing political, military, and economic interdependence with the United States, the recent entry into force of the U.S.-Korea Free Trade Agreement on March 15, 2012, stimulated interest in South Korean laws in the United States. The Office of the U.S. Trade Representative sees the agreement as providing U.S. exporters more opportunities to sell their products and services in South Korea (hereinafter Korea).¹¹

¶16 Japanese law collections in academic law libraries in the United States are also increasingly in demand because of the close political and economic relationship the two countries have had since the end of World War II. As long-standing allies and increasingly interdependent economic partners, Japan and the United States have cooperated to build a strong, multifaceted relationship. A wealth of donated Japanese legal materials has enriched the collections of Japanese law in academic law libraries in the United States. Columbia University Law School,¹²

11. *U.S.-Korea Free Trade Agreement*, OFFICE OF THE U.S. TRADE REPRESENTATIVE, <http://www.ustr.gov/trade-agreements/free-trade-agreements/korus-fta> (last visited May 1, 2013).

12. The Center for Japanese Legal Studies at Columbia was founded in 1980 with financial support from the Fuyo Group (a consortium of leading Japanese companies) and the Japan-U.S. Friendship Commission. The focus of the collection on Japanese law dates to the aftermath of World War II. In 1982, the Toshiba Library for Japanese Legal Research was founded with the donation of

University of Washington Law School,¹³ and Washington University Law School¹⁴ all have major Japanese law collections.

Digitization and Preservation

¶17 Another question academic law libraries may face is whether they should preserve or digitize older East Asian legal materials for historical research, in addition to collecting current resources. In the past, libraries in the United States have not made great efforts to preserve foreign law materials unless the library received special funds to support an extensive collection of East Asian legal materials.

¶18 If a library is considering the digitization of East Asian materials, it is crucial that those working on the project understand the content of the materials. For instance, traditional laws of East Asian countries, such as pre-1956 Chinese legal materials and most pre-1948 Korean legal materials, were written vertically and ran from right to left.¹⁵ Scanning materials without this knowledge could literally create unreadable text. Metadata is also essential in making digitized materials accessible and useful. Creating accurate and useful metadata requires strong and accurate skills in the language and the subject of the materials being digitized.

¶19 Organizations like the Center for Research Libraries (CRL)¹⁶ and the Law Library Microform Consortium (LLMC)¹⁷ collaborate to preserve documents from various national jurisdictions. Since the East Asian law collections in the United States were originally built during the print era, East Asian law resources for older case reports or statutes are available to be digitized by consortia such as LLMC. LLMC has preserved, for Korea, country studies from 1981 and 1990 and treaties and agreements from 1921; for Japan, the civil code of 1898 and commercial code of 1899 by different translators; and for China, the civil codes of 1930, 1931, and

the private collection of Jirō Tanaka, Justice of the Supreme Court of Japan from 1964 to 1973. In 2003, the collection was enhanced by a gift of the private collection of Itsuo Sonobe, who served as a Justice of the Supreme Court of Japan from 1989 to 1997. The collection contains approximately 23,000 volumes of books and bound periodicals, more than ninety percent of which are in Japanese. Thanks to Yukino Nakashima at Columbia University for providing information on this subject. See also *Toshiba Library for Japanese Legal Research*, COLUMBIA LAW SCH., <http://www.law.columbia.edu/library/collections/Toshiba> (last visited May 1, 2013).

13. The Japanese law collection at the University of Washington had its beginnings in the 1930s and includes a substantial donation of books from the Ministry of Justice in Japan. The library has continued to build on these early foundations with a wide range of subjects related to Japanese law. The collection holds 25,791 volumes in Japanese and 1374 titles in Western languages. Thanks to Rob Britt at the University of Washington for providing information on this subject. See also Rob Britt, *Japanese Legal Research at the University of Washington*, GALLAGHER LAW LIBRARY, <http://lib.law.washington.edu/eald/jlr/jres.html> (last visited May 1, 2013).

14. See *Japanese Law Collection*, WASHINGTON UNIV. LAW, <http://law.wustl.edu/library/pages.aspx?id=1473> (last visited May 1, 2013). Currently, the collection contains 1003 titles and 5719 volumes of Japanese legal materials in Japanese.

15. See INSUP TAYLOR & MARTIN M. TAYLOR, WRITING AND LITERACY IN CHINESE, KOREAN AND JAPANESE 102–04 (1995). In Korea, an act to change the direction of writing (한글전용에 관한 법률) was passed on October 9, 1948.

16. *Global Resources Law Partnership*, CTR. FOR RESEARCH LIBRARIES, <http://www.crl.edu/collaborative-digitization/law-library-microform-consortium> (last visited Apr. 30, 2013).

17. LAW LIBRARY MICROFORM CONSORTIUM, <http://www.llmc.com> (last visited Apr. 30, 2013).

1935; the Chinese constitution of 1918; a country study from 1987; and materials relating to Hong Kong and Tibet.

¶20 East Asian materials are also being preserved by commercial publishers. For example, HeinOnline's *World Constitutions Illustrated* library, launched in April 2010, includes all the historic and current versions of constitutions; commentaries; scholarly articles; and a bibliography of selected constitutional works of Korea, mainland China, Taiwan, and Japan. Also included are external links to background information. Although HeinOnline has not started to digitize East Asian laws or case reports, the addition of both *Canadian Supreme Court Reports* and *Israel Law Reports* to HeinOnline in 2011 is a sign that digitizing East Asian legislation and judicial decisions is not unthinkable. Both HathiTrust and Google have included primary and secondary legal materials of East Asian countries in their projects. Gale's *The Making of Modern Law: Foreign, Comparative and International Law, 1600–1926* also contains a small number of legal treatises on laws from East Asian countries.

¶21 The issue of preservation is closely related to cost-efficiency in collection development for East Asian legal materials. Keeping both outdated and current legal materials requires space and staff to maintain them. By ensuring access to materials that are being digitized and made available online, selectors may be able to withdraw those items from the print collection to save space, staff time, and money without losing substantive content. Many libraries may conclude that it is cheaper to borrow from other libraries than to own items that are not frequently used. However, this presumes the existence of a sustainable, comprehensive, reliable, and high-quality print or digital collection that can be borrowed from.

¶22 Another cost-effective preservation solution is for libraries in a region to create a consortium to work together to collect East Asian legal materials and proportionally preserve them among the libraries. Any such consortium agreement should include provisions about where the materials will be housed and how much libraries will pay for borrowing.

Korea

¶23 In Korea, most current laws and government records are primarily digitized and archived by the National Archives of Korea under the Act on the Management of Public Archives and other related acts, enforcement decrees, and rules.¹⁸ The National Archives of Korea has issued management guidelines on digitization since 2003. The old official gazette of Korea, *Gwanbo*, has also been digitized by the National Archives of Korea and the National Library of Korea.¹⁹ The new official gazette began publication in both print and electronic formats in October 2000. Official gazettes from 1910 to 2000 have been digitized and are available at the gazette's archive web site, where users can search the full text by keyword, date, and organization.²⁰ Print gazettes trump electronic gazettes when there

18. **관련법령** [*Related Laws*], NAT'L ARCHIVES OF KOREA, <http://www.archives.go.kr/next/manager/eproflaw.do> (last visited May 1, 2013).

19. NAT'L LIBRARY OF KOREA, <http://www.nl.go.kr/nl/index.jsp> (last visited Apr. 29, 2013).

20. OFFICIAL GAZETTE, <http://contents.archives.go.kr/next/gazette/viewMain.do> (last visited Apr. 29, 2013).

is a conflict between them.²¹ Cases are digitized by the Constitutional Court of Korea and the Supreme Court of Korea. Scholarly books and articles are also digitized by libraries, including the National Assembly Library, if the author gives permission.²²

¶24 Other than the Asian Division of the Library of Congress, it seems that there is no U.S. library collecting Korean legal materials for preservation purposes. The Library of Congress has more than 240,000 volumes in Korean, 20,000 volumes in Japanese, 7700 volumes in English, and more than 6300 periodical titles and 250 newspapers dating as far back as the 1920s.²³ According to its bibliography, however, it does not include many legal materials; there are only about 110 Korean law books in English.²⁴ Thus, the most authoritative place collecting Korean legal materials in the United States may be the Global Legal Information Network (GLIN) of the Law Library of Congress, although the documents are not collected for the purpose of preservation.²⁵ The Korean government contributes digitized legal materials to GLIN.²⁶ Because the documents originate from the Korean government, and because GLIN tries to preserve both print and born-digital materials, this may be the best platform for preservation of Korean primary legal sources in the United States.

Japan

¶25 In Japan, the National Archives²⁷ preserves government documents and records from the various ministries and agencies in accordance with the National Archives Act.²⁸ Based on this law, the National Archives acquires historical documents from the various ministries and agencies to make them available for public use. The National Archives conducts extensive research on government documents

21. Act on the Promulgation of Acts and Subordinate Statutes, Act No. 10059, Mar. 12, 2010, Art. 11(4), available at http://elaw.kdri.re.kr/eng_service/main.do (free registration required to access full text).

22. See Erik Mobrand, *National Assembly Library, Seoul*, DISSERTATION REVIEWS (Mar. 12, 2013), <http://dissertationreviews.org/archives/2342>.

23. *The Beginning of Asian Collections: Korean*, LIBRARY OF CONG., <http://www.loc.gov/rr/asian/collections.html#Korean> (last visited Apr. 30, 2013).

24. *Korean Bibliography*, LIBRARY OF CONG., <http://lcweb2.loc.gov/asian/korhtml/korbibhome.html> (last visited Apr. 30, 2013) (search Topical Term Index under "Law").

25. The GLIN web site (<http://www.glin.gov>) is currently being revised and has been unavailable for some months.

26. See Marydee Ojala, *Global Legal Information Network: An Interview with Donna Scheeder*, ONLINE, Jan./Feb. 2009, <http://www.infotoday.com/online/jan09/Ojala.shtml>, for more information about GLIN.

27. NAT'L ARCHIVES OF JAPAN, <http://www.archives.go.jp/english/index.html> (last visited May 2, 2013).

The core of "government documents and records of importance as historical materials" shall be . . .

- 1) Decision-making on important items of national policies, which were required for tracing the Japanese Government's major activities of the past.
- 2) Processes of deliberation, discussion, or consultation prior to reaching any decision-making, and the process of enforcing policies based on decisions made.

Functions of the Nat'l Archives, NAT'L ARCHIVES OF JAPAN, <http://www.archives.go.jp/english/abouts/function.html> (last visited May 11, 2013).

28. Kokuritsu Kōbunshokanpō [National Archives Act], Law No. 79 of 1999.

and records to determine what is required for appropriate preservation, and records of importance are stipulated under a cabinet resolution of March 30, 2001.²⁹ Additionally, the Japan Center for Asian Historical Records (JACAR)³⁰ preserves digitized data from various national institutions.³¹ Two well-known digitization projects on Japanese law are worth mentioning here: the *Joseph Berry Keenan Digital Collection* of the Harvard Law School Library, which provides invaluable information on the Tokyo War Crimes Trial,³² and the University of Virginia School of Law Library's digitization of a video of Frank Tavenner's summation argument in the Tokyo War Crimes trial.³³

China

¶26 Efforts to digitize and preserve Chinese legal materials in the greater China area have also expanded in the last few years. For example, the University of Hong Kong has launched more than twenty-five databases with full-text materials in PDF.³⁴ Among them are the *Basic Law Draft History Online*, *Historical Laws of Hong Kong Online*, *Hong Kong's War Crimes Trials Collection*, and *Hong Kong Government Reports Online (1842–1941)*;³⁵ all are valuable resources for researchers interested in Hong Kong legal history, legislative history, and international law. The National Library of China has also launched a digital library that comprises hundreds of thousands of electronic resources online.³⁶ A few of these items are now available in PDF at the World Digital Library web site, another giant global digitization

29. *Management of Necessary Measures for Proper Preservation of Government Documents and Records of Importance as Historical Materials* (Cabinet Decision, Mar. 30, 2001), available at ARCHIVÓLOGO (Nov. 24, 2005), <http://archivologo.blogcindario.com/2005/11/00075-japon-iv.html>.

30. JAPAN CENTER FOR ASIAN HISTORICAL RECORDS, アジア歴史資料センター, <http://www.jacar.go.jp/index.html> (last visited Apr. 29, 2013).

31. The institutions are the National Archives, the Diplomatic Record Office of the Ministry of Foreign Affairs, and the Military Archives of the National Institute for Defense Studies of the Japan Defense Agency. See *id.*

32. *Joseph Berry Keenan Digital Collection*, HARVARD LAW SCH. LIBRARY, <http://www.law.harvard.edu/library/digital/keenandigitalcollection.html> (last visited May 11, 2013). The collection consists of personal and business correspondence, documents, and memos, as well as newspaper clippings and photographs. The bulk of the papers concern Keenan's work as chief counsel in the International Prosecution Section of the Supreme Commander for the Allied Powers at the Tokyo War Crimes Trial following World War II.

33. Frank Stacy Tavenner Jr. was born in Woodstock, Virginia, in 1895 and graduated from the University of Virginia School of Law in 1927. He was an assistant chief prosecutor of the Tokyo War Crimes Trial, where on April 16, 1948, he delivered the final summation in the case against twenty-eight Japanese defendants accused of starting an illegal war, atrocities, and crimes against humanity. The collection also includes more than 20,500 original documents donated to the law school by Tavenner's family in 1978. *The Tokyo War Crimes Trial*, VA. LAW, <http://lib.law.virginia.edu/imtfe/person/244> (last visited May 11, 2013).

34. *Digital Initiatives*, UNIV. OF HONG KONG LIBRARIES, <http://www.lib.hku.hk/database> (last visited May 2, 2013).

35. HONG KONG GOVERNMENT REPORTS ONLINE (1842–1941), <http://hkgro.lib.hku.hk/exhibits/show/hkgro/home> (last visited May 2, 2013), includes four major government publications: *Administrative Report*, *Hong Kong Sessional Papers*, *Hong Kong Hansard*, and *Hong Kong Government Gazette*.

36. Dawei Wei & Yigang Sun, *The National Digital Library Project*, D-LIB. MAG., May/June 2010, <http://www.dlib.org/dlib/may10/dawei/05dawei.html>.

project.³⁷ Although the National Digital Library Project does not focus specifically on legal materials, it is a helpful resource for scholars interested in the imperial legal history of China and the strong influences of Confucian philosophy and moral teachings on Chinese legal development.³⁸

English Translations

¶27 More and more English translations of laws and regulations in Korea, the greater China area, and Japan are made available online or in print by government agencies and commercial vendors. English translations can be very helpful, especially if they are offered through official governmental entities, such as the English translations available in the *Laws and Regulations of the Republic of China* database by the Ministry of Justice of Taiwan.³⁹

¶28 Many Korean primary sources of law, especially constitutions, codes, decrees, and administrative rules and regulations, are now being translated into English and are available free of charge on the Internet.⁴⁰ They are officially translated by the Korean government and government-affiliated institutes. Some good examples are *Statutes of the Republic of Korea* by the Korea Legislation Research Institute (KLRI)⁴¹ and *Korean Laws in English* by the Ministry of Government Legislation.⁴² The former web site also provides a legal glossary, which allows users to translate English legal terms—including statute names, type of law, and local government system—into standard Korean legal terms.⁴³ A *Research Guide and a Bibliography for Korean Legal Resources in English* in Globalex lists English translations of Korean legal materials both in print and online.⁴⁴

¶29 One of the objectives of justice system reform in Japan was to provide English translations of Japanese laws,⁴⁵ and many have become available since 2004.

37. WORLD DIGITAL LIBRARY, <http://www.wdl.org/en/search/gallery/?q=china&qla=en&institution=national-library-of-china> (last visited May 2, 2013).

38. For example, the collection includes the *Yongle Encyclopedia*, the largest encyclopedia in pre-modern Chinese history (bound in 11,095 volumes), covering almost all the famous treatises reflecting Confucian philosophy before the fifteenth century. *Yongle Encyclopedia*, WORLD DIGITAL LIBRARY, <http://www.wdl.org/en/item/3019/> (last visited May 2, 2013).

39. LAWS & REGULATIONS DATABASE OF THE REPUBLIC OF CHINA, <http://law.moj.gov.tw/Eng/> (last visited Apr. 29, 2013).

40. Mainly economic, business, and tax-related laws are translated into English.

41. “The Korea Legislation Research Institute (KLRI) is a government-funded national policy research institute, established in July 1990, to systematically collect and manage legal information and conduct professional research on legislation, with the aim of providing advice and assistance in the formulation of national legislative policies and of improving legal services.” *Introduction*, KLRI: KOREA LEGISLATION RESEARCH INST., <http://www.klri.re.kr/eng/category/greetings.do> (last visited May 2, 2013).

42. *Korean Laws in English*, MINISTRY OF GOV'T LEGISLATION, <http://www.moleg.go.kr/english/korLawEng> (last visited May 2, 2013), contains 912 acts and decrees and is searchable by title or full text.

43. *Search for Standard Terms*, KLRI: KOREA LEGISLATION RESEARCH INST., http://elaw.klri.re.kr/eng_service/wordSearch.do (last visited May 2, 2013).

44. Jootaek Lee, *Update: A Research Guide and a Bibliography for Korean Legal Resources in English*, GLOBALEX (Nov./Dec. 2012), http://www.nyulawglobal.org/globalex/South_Korean_Legal_Resources1.htm.

45. Interim Report, Study Council for Promoting Translation of Japanese Laws and Regulations into Foreign Languages (Sept. 30, 2005), available at http://www.cas.go.jp/jp/seisaku/hourei/pc/houkoku_e.pdf. In order to promote an environment to distribute Japanese laws internationally,

However, the definitive version is the Japanese text, and there are no official English translations of Japanese laws. The quality of English translation of Japanese laws has been improved by the translation project led by the Ministry of Justice. The *Japanese Law Translation* web site created by the Ministry of Justice provides bilingual Japanese laws, and the text includes a link to related laws. An online search interface allows users to search the database using either English or Japanese search terms. The display interface can be set to bilingual, bilingual alternating text, English only, or Japanese only. Search results can be printed or downloaded in PDF, Word, plain text, or XML format. The Intellectual Property High Court provides reliable information on Japanese copyright law in English, French, German, Chinese, Korean, and Japanese and includes summaries of cases and publications.⁴⁶ Nagoya University cooperated with the Japanese government on the English Translation of Japanese Laws Project, which later merged into the Japanese Law Translation project. Although Nagoya University's site is no longer updated, it still contains useful information, such as legal dictionaries.⁴⁷

¶30 Another cooperative English translation project is the Transparency of Japanese Law Project. The project "aimed to provide legal information on international transactions in Japan to the overseas community by organizing and translating into English, information which includes: overviews of Japanese law, specific Japanese legislation, doctrines, and case law."⁴⁸ A private firm, Mizuho Securities, created a web site to consolidate research papers and links to English translations of finance-related legislation such as the Foreign Exchange Order, Bank of Japan Act, and Money Lending Business Act as well as more general legislation.⁴⁹

¶31 There are cost-related issues in collecting East Asian legal materials in English. Collecting East Asian legal materials in the vernacular is easier and cheaper than acquiring them in English translation, assuming a library has an East Asian

the Liaison Conference of Ministries and Agencies Concerning Development of an Infrastructure to Promote Translation of Laws into Foreign Languages was established within the Cabinet in January 2005. Since April 2009, the work of translating Japanese laws has been undertaken by the Ministry of Justice, which has been editing the *Standard Bilingual Dictionary* and translating approximately 440 laws and regulations into English. The Ministry of Justice will continue to translate laws of great interest. *About This Site*, JAPANESE LAW TRANSLATION, http://www.japaneselawtranslation.go.jp/index/about_this_site/?re=02 (last visited May 2, 2013). The translations are available at JAPANESE LAW TRANSLATION, <http://www.japaneselawtranslation.go.jp> (last visited May 2, 2013).

46. *History*, INTELLECTUAL PROPERTY HIGH COURT, <http://www.ip.courts.go.jp/eng/aboutus/history/index.html> (last visited May 11, 2013). This is a special branch of the Tokyo High Court established in 2005. The court hears appeals from district courts in Japan on patent actions and suits against decisions made by the Japan Patent Office.

47. 日本法令英訳プロジェクト, <http://www.kl.i.is.nagoya-u.ac.jp/told/> (last visited May 2, 2013).

48. TRANSPARENCY OF JAPANESE LAW PROJECT, <http://www.tomeika.jur.kyushu-u.ac.jp/index.html> (last visited Apr. 29, 2013). The web site includes many Japanese laws and court decisions in English in the fields of corporate law, goods and services transaction law, financing law, intellectual property law, insolvency law, arbitration law, civil litigation law, and public international law. The project was led by law professors from several universities and was instituted in 2004 by the Ministry of Education, Culture, Sports, Science and Technology (MEXT).

49. See *Japanese Law*, MIZUHO SECURITIES, <http://www.mizuho-sc.com/english/ebond/law.html> (last visited May 2, 2013); *Research & Links*, MIZUHO SECURITIES, <http://www.mizuho-sc.com/english/ebond/index.html> (last visited May 2, 2013).

law librarian who can select vernacular books. English translations are more expensive because of the extra labor required to make the translation. Furthermore, much of the material is never translated. Looking at Korean law, for example, most cases, partly owing to their status as a secondary legal source, are not officially translated, though there are some exceptions, such as cases from the Korean Constitutional Court⁵⁰ and the Supreme Court.⁵¹

¶32 Although it is less expensive to acquire East Asian legal materials in the vernacular, American legal researchers who are not able to read East Asian languages will have difficulty in determining which are the right legal sources to apply in a case. Even if they do find the right materials, they will then be faced with the high cost of translating them into English in order to apply them.

¶33 Another issue related to translations is their quality—how accurately the legal meaning of the text in its original language is rendered into the translated language. The quality of translations provided by different vendors varies. For example, both Westlaw China and ChinaLawInfo are databases offering English translations of Chinese legal materials, but their translations are not identical, even though they use the same vernacular text. For example, when translating the newly amended Criminal Procedure of the People's Republic of China, Westlaw China translates “立案” to “Opening a Case,” whereas ChinaLawInfo translates it to “Filing a Case.” Similarly, with the same word “询问证人,” Westlaw China's translation is “Questioning of the Witnesses,” whereas ChinaLawInfo's translation is “Interviewing Witnesses.”⁵²

¶34 Furthermore, traditional dictionaries may still be necessary. Google Translate or any other automatic translation engine may help to locate a source, but it is not reliable when a user is trying to understand a statute or case, let alone its contextual meaning. If a bilingual law dictionary is not available, a bilingual legal glossary may be helpful. Westlaw China, the Hong Kong Judiciary, and the Taiwan Ministry of Justice all provide bilingual legal glossaries on their web sites. And because mainland China, Hong Kong SAR, and Taiwan have three different legal systems, the same legal term, even in the same language, may have quite different meanings and implications.

50. The Korean Constitutional Court is the highest authority on the Korean Constitution. Major decisions since 1988 are available in English on the web site of the Korean Constitutional Court and are searchable. CONSTITUTIONAL COURT OF KOREA, <http://english.court.go.kr> (last visited May 2, 2013). The print version of the *Decisions of the Korean Constitutional Court* contains cases from 2000 forward.

51. The Supreme Court of South Korea is the highest authority of the three-tier court system on nonconstitutional matters. Supreme Court cases since 2000 also have been translated and published on the web site of the Supreme Court Library of Korea. See *Guide*, SUPREME COURT LIBRARY OF KOREA, <http://library.scourt.go.kr/Eng/SCD/guide.jsp> (last visited May 2, 2013).

52. Xingshi Susong Fa (刑事诉讼法) [Criminal Procedure Law] (promulgated by the Nat'l People's Cong. Mar. 14, 2012, effective immediately).

Basic Materials and Collecting Trends for East Asia

Korea

Primary Sources⁵³

¶35 South Korea not only has a civil law system that is heavily influenced by the German legal system, but also follows customary law and sound reasoning. Furthermore, American legal principles have affected Korean law since Korea's liberation from Japan by American forces in 1945. Topically, Korean law can be broadly organized into public law, private law, and social law.⁵⁴ Primary sources of law in Korea are its constitution and acts, treaties, emergency executive orders, emergency financial and economic executive orders, presidential decrees, rules of the national assembly, rules of the Supreme Court, rules of the Constitutional Court, rules of the National Election Commission, ordinances of the prime minister and ministries, enforcement decrees, administrative rules, and municipal ordinances and rules. Excellent summaries and graphics of the Korean legislative system, categories of acts and subordinate statutes, and a hierarchy of authorities are provided by the Korea Legislation Research Institute at its *Statutes of the Republic of Korea* web site.⁵⁵

¶36 Primary sources of law including the amendments to the constitution, proposed amendments to the constitution, acts, treaties, decrees, notices, and important government policies are published daily in the *Gwanbo* (Official Gazette, 관보).⁵⁶ The Law Information Service under the Ministry of Government Legislation later compiles and publishes the laws in *Daehanminkuk Hyunhang Bobryungjip* (Statutes of Current Korean Laws, 대한민국현행법령집 大韓民國現行法令集), which consists of fifty volumes arranged by (1) types of law, such as constitutional law, civil law, criminal law, treaties, and administrative law; (2) institutions, such as courts and the National Assembly; and (3) subjects, such as military; education and scholarship; science and technology; customs, commerce, trade, and industry; labor; and so on. Volume 50 provides an alphabetical index and the table of contents of each volume. As of February 2013, there were 1287 acts, 1497 presidential decrees, 46 prime minister decrees, 1107 ministry decrees, and 317 administrative rules.

¶37 In Korea, LawnB is the most popular, comprehensive commercial database, containing statutes, decrees, rules and ordinances, cases, and treatises in Korean.⁵⁷

53. Here and in the section on secondary sources, the focus is on important resources for developing a Korean legal collection in an academic law library that relies mainly on subscription databases and free Internet web sites. For a comprehensive list of resources, including print materials, see Lee, *supra* note 44; THOMAS H. REYNOLDS & ARTURO A. FLORES, *Korea (Republic of)*, in FOREIGN LAW: CURRENT SOURCES OF CODES AND BASIC LEGISLATION IN JURISDICTIONS OF THE WORLD (1989-).

54. Public law includes constitutional law, administrative law, criminal law, criminal procedure, and civil procedure; private law includes civil law and commercial law; social law includes labor law, economic law, and social security law.

55. *Korea Legislative System and Procedures*, KLRI: KOREA LEGISLATION RESEARCH INST., http://elaw.klri.re.kr/eng_service/struct.do (last visited May 2, 2013).

56. [*Gwanbo*], [MINISTRY OF PUB. ADMIN. & SECURITY], <http://gwanbo.korea.go.kr> (last visited May 2, 2013).

57. LawnB is a fee-based subscription database that contains approximately 74,000 laws; 150,000 cases; 130,000 administrative documents; 90,000 treatises, articles, and periodicals; 85,000 tax cases;

However, it does not provide English translations. LawnB was acquired by Thomson Reuters on March 30, 2012.⁵⁸ Westlaw began providing Korean cases, legislation, and law review and journal articles in English in 2013; the *Korea Reports* database covers cases from the Supreme Court and appellate and trial courts from 2000, and the *Korea Legislation* database provides selected legislation including the current constitution provided by the Korean Ministry of Government Legislation.

¶38 Korea Legislation Research Institute, a government-funded national policy research institute, provides a free English legal database, *Statutes of the Republic of Korea*. This database allows researchers to search for constitutions, current statutes, old statutes, decrees, and rules by statute name in English.⁵⁹ When users type words in the search box, suggested titles of acts appear under the box. Users can do more advanced searching by type of law, date, and registration number. Under the “Legal Glossary” menu, users can also search for statute names by keyword; search results lead to the text of the statute.

¶39 The Ministry of Government Legislation also provides a free English database: *Korean Laws in English*. As of 2013, the database contains 912 current Korean acts in English and allows search by keyword and title.⁶⁰ The National Assembly web site provides, under the “Laws & Bills” heading, English translations of the Constitution of the Republic of Korea, the National Assembly Act, foreigner-related laws,⁶¹ and more than five hundred bills from 2005 to the present.⁶² The Constitutional Court of Korea also provides English translations of the Constitution of the Republic of Korea and the Constitutional Court Act.⁶³

Secondary Sources

¶40 Selecting secondary sources about Korean law is more challenging than selecting primary sources. In addition to the lack of translations into English, most treatises are not yet digitized, which makes it difficult for selectors to see the content before purchasing books.

¶41 Scholars’ opinions in treatises, especially majority scholarly opinions on a specific point of law, are persuasive sources of law in Korea. Researchers can search for legal treatises in Korean at the Digital Library web site of the National Assembly

20,000 lawyers’ information; 4500 corporations’ legal information; and 70,000 legal news articles. See LAWNB, <http://www.lawnb.com> (last visited May 2, 2013).

58. Kanishk Verghese, *Thomson Reuters Acquires LawnB*, ASIAN LEGAL BUSINESS (Mar. 30, 2012), <http://asia.legalbusinessonline.com/news/thomson-reuters-acquires-lawnb/108127>.

59. *Statutes of the Republic of Korea*, KLRI: KOREA LEGISLATION RESEARCH INST., http://elaw.klri.re.kr/eng_service/main.do (last visited May 2, 2013) (registration required for access).

60. *Korean Laws in English*, MINISTRY OF GOV’T LEGISLATION, <http://www.moleg.go.kr/english/korLawEng> (last visited May 17, 2013).

61. *Laws & Bills*, NAT’L ASSEMBLY OF THE REPUBLIC OF KOREA, http://korea.assembly.go.kr/res/low_01_read.jsp?boardid=1000000035 (last visited May 17, 2013).

62. In Korea, most legislative history information is available through the Integrated Legislation Knowledge Management System. INTEGRATED LEGISLATION KNOWLEDGE MGMT. SYS., <http://likms.assembly.go.kr> (last visited May 20, 2013). For information relating to bills, see [*Bill Information System*], NAT’L ASSEMBLY OF THE REPUBLIC OF KOREA, <http://likms.assembly.go.kr/bill/jsp/main.jsp> (last visited May 17, 2013).

63. CONSTITUTIONAL COURT OF KOREA, *supra* note 50.

Library, using its catalog.⁶⁴ Major legal publishers in Korean include Bobmunsa (법문사), Sechang Publishing Company (세창출판사), YoungHwa Josetongnam (영화조세총람), Bobnyul Publishing Company (법률출판사), Bobnyulmunhwawon (법률문화원), Beopjeon Publishing Company (법전출판사), Bobnyul-Sowon (법률서원), LawnB (로앤비), and Samilinfomain (삼일인포마인). The Association for Library Collections and Technical Services of the American Library Association provides the *Foreign Book Dealers Directory*, which includes Korean book dealers, although most of the dealers do not specifically deal with legal books.⁶⁵ Among them, Kyobo Book Center is the largest dealer that provides a web site where users can purchase books by credit card and have them shipped to the United States.⁶⁶ There are also Internet bookstores such as Yes24⁶⁷ and Interpark Global⁶⁸ that ship purchased books to foreign countries; AladinUS has distributors in the United States and ships books by USPS Priority Mail.⁶⁹

¶42 While cases are considered secondary sources in Korea, Korean courts give more weight to cases than treatises. Online databases such as LawnB may be preferable for access to Korean cases because of the large number of volumes of printed cases. Because cases are secondary sources, however, most libraries will not want to devote substantial resources to purchasing online databases for cases. If researchers do not have access to online case databases, they can obtain cases on CD and DVD. The most comprehensive collection of full-text cases is on the Bubgoul LX-DVD released by the Supreme Court Library of Korea—it can be purchased from the library.⁷⁰ The DVD contains cases from appellate courts and trial courts as well as the Constitutional Court of Korea. Selected Korean Supreme Court cases in English are available for free at the web site of the Supreme Court Library.⁷¹ Users can search and browse cases. Decisions are also organized by subjects like private law, administrative law, taxation, criminal law, and intellectual property.

¶43 Journal articles, dissertations, and theses are searchable in the National Assembly Library catalog,⁷² or in commercial databases such as KSI,⁷³ DBpia,⁷⁴ and

64. 국회전자도서관 [NAT'L ASSEMBLY LIBRARY], <http://dl.nanet.go.kr/index.do> (last visited Apr. 30, 2013).

65. *Foreign Book Dealers Directory*, ALCTS: ASS'N FOR LIBRARY COLLECTIONS & TECHNICAL SERV., <http://www.ala.org/CFApps/bookdealers> (last visited Apr. 30, 2013).

66. According to its web site, Kyobo Book Center ships books to foreign customers by FedEx, and it takes two to six days. Unless the book was damaged during shipment, return or exchange is not allowed. U.S. Customs may charge extra import tax on purchased books. [KYOBO BOOK CENTER], <http://www.kyobobook.co.kr/index.laf> (last visited Apr. 30, 2013).

67. Yes24.com ships books by UPS or USPS; it takes five to seven days according to its web site. YES24.COM, <http://www.yes24.com> (last visited Apr. 30, 2013).

68. INTERPARK GLOBAL, <http://global.interpark.com> (last visited Apr. 30, 2013).

69. Delivery takes five to nine business days. [ALADINUS], <http://www.aladin.co.kr/home/wbookmain.aspx> (last visited Apr. 30, 2013).

70. See *Digital Resources*, SUPREME COURT LIBRARY OF KOREA, <http://library.scourt.go.kr/Eng/service/digital.jsp> (last visited Apr. 29, 2013).

71. *Supreme Court Decisions: Guide*, SUPREME COURT LIBRARY OF KOREA, <http://library.scourt.go.kr/Eng/SCD/guide.jsp> (last visited Apr. 29, 2013).

72. NAT'L ASSEMBLY LIBRARY, *supra* note 64.

73. PAPERSEARCH.NET, <http://www.papersearch.net> (last visited Apr. 30, 2013).

74. DBPIA, <http://www.dbpia.co.kr> (last visited Apr. 30, 2013).

RISS.⁷⁵ For articles written in English, please refer to *A Research Guide and a Bibliography for Korean Legal Resources in English*.⁷⁶

China⁷⁷

Primary Legal Materials

PRINT RESOURCES

¶44 **Mainland China.** According to the white paper issued by the State Council Information Office of the People's Republic of China (P.R.C.) on Nov. 27, 2011, mainland China's legal system is a socialist system with Chinese characteristics.⁷⁸ Primary sources of law include the constitution, legislation (laws passed by the National People's Congress [N.P.C.] of the P.R.C. and its standing committee), ratified international treaties and agreements, administrative regulations, and department rules. In addition, local governments have passed more than 8600 local laws and regulations.⁷⁹ Judicial decisions are not considered primary sources of law, and the principle of stare decisis does not apply in China. But although they are not necessarily binding, higher courts' decisions tend to have a strong guiding influence over lower courts' decisions.

¶45 Government agencies and state-owned legal publishers continue to publish laws and judicial decisions in print. For example, all laws passed by the N.P.C. and its standing committee are printed in the *Official Gazette of the Standing Committee of National People's Congress of the People's Republic China*,⁸⁰ published by FaZhi Press of China (中国法制出版社), a major state-owned legal publisher under the supervision of N.P.C.'s State Council's Legal Affairs Office. Similarly, selective cases are printed in the *Official Gazette of the Supreme People's Court of the People's Republic of China*.⁸¹ In 1987, the Foreign Languages Press (外语出版社) began publishing a compilation of laws of the P.R.C. in English that covers laws back to 1979.⁸²

¶46 **Hong Kong.** The Hong Kong SAR, on the other hand, has a common law system supplemented with local legislation, where both legislation and judicial

75. RISS: FOR HIGHER EDUCATION, <http://www.riss.kr/index.do> (last visited May 1, 2013).

76. Lee, *supra* note 44.

77. This section covers Chinese law in four regions in the greater China area: mainland China, Hong Kong SAR, Macau SAR, and Taiwan. These four regions have four different legal systems: mainland China has a socialist legal system with Chinese characteristics. Taiwan is a civil law jurisdiction influenced by Dutch, Japanese, German, Chinese, and American legal traditions. Hong Kong, a Special Administrative Region of China, is a common law jurisdiction inherited from Great Britain. Macau, another Special Administrative Region of China, possesses a civil law legal system, very similar to that of Portugal.

78. See *China Issues White Paper on Socialist Legal System*, XINHUA NET (Oct. 27, 2011), http://news.xinhuanet.com/english2010/china/2011-10/27/c_131215086.htm.

79. *Id.*

80. It is quite common in civil law countries and territories for laws, decrees, and regulations to be published in the official gazette. Mainland China follows the same civil law model.

81. The Law Library of Congress has prepared a good list of print publications of Chinese laws and cases. See *Legal Research Guide: China*, LIBRARY OF CONG., <http://www.loc.gov/law/help/china.php#print> (last visited Apr. 29, 2013).

82. THE LAWS OF THE PEOPLE'S REPUBLIC OF CHINA (1987-).

decisions are primary sources of law.⁸³ Certain national laws listed in the Basic Law are also binding in the Hong Kong SAR.⁸⁴ The Basic Law is the constitution of the Hong Kong SAR. The power to interpret the Basic Law is vested in the N.P.C. Standing Committee of the P.R.C. The Legislative Council of Hong Kong has legislative power under Article 37 of the Basic Law. The Court of Final Appeal is the court of last resort in Hong Kong. Under Article 9 of the Basic Law, both Chinese and English are official languages of the Hong Kong SAR. *The Laws of Hong Kong*, published by the Attorney General Office of the Hong Kong SAR, is an official compilation of all the laws passed by the legislature in Hong Kong. It is available in both Chinese and English.

¶47 As a region with more than one hundred years of common law tradition, Hong Kong case law reporting is well developed. The first systematic case report was the *Hong Kong Law Reports*, which covers judicial decisions from 1905 to 1996, published by the Hong Kong Government Printer. The current official law report, *The Authorised Hong Kong Law Reports and Digests*, covers decisions since 1997. It is published by Sweet and Maxwell Asia and endorsed by the Judiciary of the Hong Kong SAR.⁸⁵

¶48 **Macau.** The Macau SAR has a civil law system strongly influenced by Portuguese legal tradition. It was a colony of Portugal for more than one hundred years before it became a Special Administrative Region of the P.R.C. in 1999. As in Hong Kong, the Basic Law is the constitution of the Macau SAR, and the N.P.C. of the P.R.C. has the power to interpret the Basic Law. According to Article 8 of the Basic Law, laws, decrees, administrative regulations, and other normative acts previously in force remain effective, with certain exceptions.⁸⁶ Certain national laws of the P.R.C. listed in the Basic Law also apply in the Macau SAR.⁸⁷

¶49 The Court of Final Appeal (Tribunals da RAEM) is the court of last resort in the Macau SAR. Judicial cases are secondary sources in the Macau SAR. The Macau Government Printing Bureau lists all of its publications on its web site, including *Boletim Oficial da Região Administrativa Especial de Macau* (the official gazette of Macau SAR that covers all the laws, decrees, and administrative regulations), *Legislação da RAEM* (compiled legislation of Macau SAR from Dec. 20, 2009, to Dec. 31, 2001), major codes, and *Colectânea de Jurisprudência do Tribunal de Segunda Instância de Região Administrativa Especial de Macau* (collections of judicial decisions by the Court of Final Appeal of Macau SAR). Most publications are available for sale in print or DVD on the Government Printing Bureau's web site. Most of the post-1999 publications are written in both Chinese and Portuguese,

83. XIANGGANG JIBEN FA art. 8 (H.K.). An unofficial English translation of the Basic Law is available online: BASIC LAW, <http://www.basiclaw.gov.hk/en/index/index.html> (last updated Jan. 6, 2013).

84. XIANGGANG JIBEN FA, at Annex III.

85. For more information on law reports available in the Hong Kong SAR, see Xiaomeng Zhang, *Introduction to Hong Kong Law Research*, UNIV. OF MICH. L. LIBR. RESEARCH GUIDES, <http://libguides.law.umich.edu/hong-kong> (last updated Mar. 23, 2012).

86. AUMEN JINBEN FA art. 8 (Mac.).

87. *Id.* at Annex III.

as both are official languages of the Macau SAR under Article 9 of the Basic Law. A few publications covering a single code or law are also available in English.⁸⁸

¶50 **Taiwan.** Taiwan is a civil law jurisdiction influenced by Dutch, Japanese, German, Chinese, and more recently, American legal traditions. The primary sources of law in Taiwan include the constitution, laws (passed by the Legislative Yuan and approved by the president), international agreements, and administrative regulations. Judicial decisions are secondary sources of law, and at least in principle, decisions of higher courts do not bind lower courts. Although the Supreme Court is the court of last resort for ordinary matters, justices of the Constitutional Court deal with matters concerning the interpretation of the constitution.⁸⁹ It has the highest power to interpret the constitution, and its decisions are binding.⁹⁰ In addition, there are two other court systems under the supervision of the Judicial Yuan of Taiwan: administrative courts and intellectual property courts.

¶51 The Legislative Yuan of Taiwan publishes its official gazette in print, and it includes laws and regulations passed by the Legislative Yuan.⁹¹ However, the most widely available publication of Taiwanese laws in the United States is probably the *Liu Fa Quan Shu* (六法全書) by Sanmin Shuju (三民書局), a long-standing commercial publisher in Taipei.⁹² It covers not just the text of major laws, but also interpretations and references to case decisions. There were a few publications covering Taiwanese judicial decisions; however, no current publications seem to be available in print.⁹³

ELECTRONIC RESOURCES

¶52 Thanks to the Free Access to Law movement and freedom of information legislation in the greater China area, primary sources of law, including laws and regulations as well as judicial decisions, are freely and widely available in many different databases and government web sites.

Government Databases of Laws and Regulations

¶53 Following their respective freedom of information legislation and standards of practice,⁹⁴ governments in the greater China area have made available

88. See *Products*, GOV'T PRINTING BUREAU, <http://en.io.gov.mo/Products/default.aspx> (last visited May 2, 2013).

89. *Authority*, JUSTICES OF THE CONSTITUTIONAL COURT, JUDICIAL YUAN, R.O.C., http://www.judicial.gov.tw/constitutionalcourt/EN/p01_02.asp (last visited May 2, 2013).

90. For statutes and regulations on powers and interpretation procedure, see *Relevant Statutes and Regulations*, JUSTICES OF THE CONSTITUTIONAL COURT, JUDICIAL YUAN, R.O.C., <http://www.judicial.gov.tw/constitutionalcourt/en/p07.asp> (last visited May 2, 2013).

91. *Official Gazette Department*, LEGISLATIVE YUAN OF REPUBLIC OF CHINA, http://www.ly.gov.tw/en/04_unit/unitIntro.action?id=08 (last visited May 2, 2013).

92. The publication covers six major codes along with other laws: constitution, civil code, civil procedure code, criminal code, criminal procedure code, and administrative laws.

93. For a complete list of Taiwanese legal resources, see *Taiwan*, in REYNOLDS & FLORES, *supra* note 53; see also Bill McCloy, *Taiwan Legal Research at the University of Washington*, GALLAGHER LAW LIBRARY (Jan. 1999), <http://lib.law.washington.edu/eald/tlr/tres.html>.

94. The State Council of the P.R.C. issued the *Regulation of the People's Republic of China on the Disclosure of Government Information* (promulgated by the State Council on Apr. 5, 2007, effective on May 1, 2008), available at <http://vip.chinalawinfo.com/newlaw2002/slc/slc.asp?db=chl&gid=90387>.

online the constitutions, laws, regulations, and judicial decisions on their respective government web sites. They all have made efforts to provide English translations as well. English translations are not official, except in the Hong Kong SAR, where English is an official language.

¶54 The N.P.C. of the P.R.C. has launched a database including English translations of laws enacted by the N.P.C. and its standing committee and administrative regulations issued by the State Council.⁹⁵ The database is browsable under eight categories: constitution and related laws, civil and commercial laws, social law, administrative law, economic law, criminal law, procedural laws, and administrative regulations. Unfortunately, there is no user-friendly search functionality. The Chinese version (中国法律法规信息系统) also includes full text of judicial interpretations, department rules, and local laws and regulations along with materials available in the English interface.⁹⁶ It is both browsable and searchable with many helpful search options. It provides a citator service across the entire database.

¶55 The Supreme People's Court of the P.R.C. has published the full text of judicial interpretations, selective decisions, and other documents online since 2010 in Chinese.⁹⁷ ChinaCourt (中国法院网) has posted the full text of judicial decisions from 1949 to the present, including those of lower courts, on its web site in Chinese.⁹⁸

¶56 The Hong Kong SAR has established a bilingual database that includes the entire *Laws of Hong Kong* since 1997, along with other legal documents or information in PDF.⁹⁹ However, the paper loose-leaf version remains the authoritative version.

¶57 The Hong Kong SAR judiciary makes available decisions of all courts that are "of significance as legal precedents on points of law, practice and procedure of the courts and of public interests" from 1946 to 1948 and since 1966 on its official web site.¹⁰⁰ Decisions are in either Chinese or English. Certain judgments originally in Chinese are also translated into English. The database is browsable and search-

The Taiwan Ministry of Justice enacted the Freedom of Government Information Law on December 28, 2005. Hong Kong SAR does not have a freedom of information law yet; it has been following the Code on Access to Information, introduced in March 1995, and has applied it to the entire government since December 1996. See *Code on Access to Information*, GOV'T OF THE HONG KONG SPECIAL ADMIN. REGION, <http://www.access.gov.hk> (last visited May 2, 2013). Macau SAR does not have a law on freedom of information either, but certain laws have relevant provisions on open government information.

95. *Welcome to the Database of Laws and Regulations*, NAT'L PEOPLE'S CONG., http://www.npc.gov.cn/englishnpc/Law/Integrated_index.html (last visited May 2, 2013).

96. *Zhongguo Falv Fagui Xinxi Xitong* (中国法律法规信息系统), [NAT'L PEOPLE'S CONG.], <http://law.npc.gov.cn/home/begin1.cbs> (last visited May 2, 2013).

97. SUPREME PEOPLE'S COURT OF THE PEOPLE'S REPUBLIC OF CHINA, <http://www.court.gov.cn/qwfb/> (last visited May 2, 2013).

98. ZHONGGUO FAYUAN WANG, (中国法院网), <http://www.chinacourt.org/paper.shtml> (last visited May 2, 2013).

99. *Bilingual Laws Information System*, HONG KONG DEP'T OF JUSTICE, <http://www.legislation.gov.hk/eng/index.htm> (last visited May 2, 2013).

100. *Judgments and Legal Reference*, JUDICIARY, http://www.judiciary.gov.hk/en/legal_ref/judgments.htm (last visited May 2, 2013).

able with many user-friendly search features, such as advanced search and a citator. It also provides appeal history for cases. The text, however, is in HTML.

¶58 Lack of freedom of information legislation does not prevent the Macau SAR government from making their laws and judicial decisions freely available online to the public. The Government Printing Bureau of Macau SAR has made all the laws, codes, regulations, and official gazette of the Macau SAR available online in PDF.¹⁰¹ It provides a browsable and searchable database. Most of the materials are in Chinese and Portuguese, official languages of the region, but some are translated into English.¹⁰² The judiciary web site of Macau SAR has posted judgments of the Court of Final Appeal and Court of Second Instance since 2000 in both Chinese and Portuguese in PDF.¹⁰³

¶59 The Ministry of Justice of Taiwan has also launched a free bilingual database where users can search for the constitution, laws and regulations, judicial decisions of the Supreme Court of Taiwan, and interpretations issued by the Constitutional Court, among other legal documents, in HTML.¹⁰⁴ The Chinese version is even more comprehensive than its English counterpart.¹⁰⁵ Dates of coverage vary, but some materials go back as far as the 1980s.¹⁰⁶

Legal Information Institutes

¶60 Having adopted the Declaration on Free Access to Law in 2002 with the goal of making public legal information accessible to everyone, and “[t]o cooperate in order to achieve these goals and, in particular, to assist organisations in developing countries to achieve these goals, recognising the reciprocal advantages that all obtain from access to each other’s law,”¹⁰⁷ legal information institutes belonging to the Free Access to Law Movement make laws, regulations, judicial decisions, international treaties and agreements, and other primary legal materials available online, free to the public.

¶61 The Asian Legal Information Institute (AsianLII), in partnership with the Information Centre of the Legislative Affairs Office of the State Council of the P.R.C. and the Supreme People’s Court, has made the 2004 constitution, certain laws (1949–), and some local laws and regulations in English freely available online. It has also made the Basic Law of Macau SAR, certain statutes of Macau SAR, decisions of the Court of Final Appeal of Macau SAR (2000–), and decisions of the Court of Second

101. GOV’T PRINTING BUREAU, <http://en.io.gov.mo/default.aspx> (last visited May 2, 2013).

102. *Legislation*, GOV’T PRINTING BUREAU, <http://en.io.gov.mo/Legis/default.aspx> (last visited May 2, 2013).

103. TRIBUNAIS DA RAEM, <http://www.court.gov.mo/c/cdefault.htm> (last visited May 2, 2013).

104. LAWS & REGULATIONS DATABASE OF THE REPUBLIC OF CHINA, *supra* note 39.

105. 全国法规资料库, <http://law.moj.gov.tw/index.aspx> (last visited May 2, 2013).

106. 法规资料检索范围 [*Scope of the Database*], 全国法规资料库 [LAWS & REGULATIONS DATABASE OF THE REPUBLIC OF CHINA], <http://law.moj.gov.tw/Service/LawData.aspx> (last visited May 2, 2013).

107. *Declaration on Free Access to Law*, FATLM [FREE ACCESS TO LAW MOVEMENT], <http://www.fatlm.org/declaration/> (last visited May 2, 2013). For more information on the Free Access to Law Movement, see Graham Greenleaf, *Legal Information Institutes and the Free Access to Law Movement* (Feb. 2008), http://www.nyulawglobal.org/globalex/Legal_Information_Institutes.htm.

Instance of Macau SAR (2002–) freely available online.¹⁰⁸ It includes Taiwan Constitutional Court decisions (1949–) in English and materials available through the Global Legal Information Network (GLIN), another organization affiliated with the legal information institutes. GLIN provides more than 7000 laws and regulations of Taiwan in Chinese with English summaries.

¶62 The Hong Kong Legal Information Institute (HKLII), now part of AsianLII, contains the constitution, laws, regulations, law reform reports and consultation papers, and judicial decisions of all courts and tribunals.¹⁰⁹ All documents are available in English, with certain recent documents also available in Chinese.

¶63 Two new features of the LII databases are worthy of highlighting: LawCite is a recently launched free legal citator service that allows users to search across all LII databases.¹¹⁰ Noteup is another helpful search tool that permits a user to find documents citing a particular case across all LII databases.¹¹¹

Secondary Legal Materials

MONOGRAPHS AND SERIES

¶64 Many major legal publishers in North America and Europe publish monographs and series on Chinese law both in English in print and online. For example, Hart Publishing launched the series *China and International Economic Law* in 2005. Hein's Chinese Law Series, launched in 1998, has fourteen titles on Chinese law, including translations of the criminal code, criminal procedure law, and contract law as well as research guides and scholarly works on many specific areas of Chinese law. Brill's *China Legal Development Yearbook Series* is a series of annual reports on Chinese law written by leading scholars in English. *Taiwan Yearbook of International Law and Affairs*, published by the Chinese (Taiwan) Society of International Law, is available on HeinOnline and in print. *Halsbury's Laws of Hong Kong*, published by Butterworth Law (Asia), is still the most authoritative encyclopedia of Hong Kong law; it is available in print and online from LexisNexis U.S.

¶65 Chinese publishers also make available many legal treatises in the vernacular or in English. For example, LawPress China (法律出版社), founded in 1954 under the supervision of the Ministry of Justice of the P.R.C., is one of the leading legal publishers in mainland China. It publishes more than 6000 titles per year, including scholarly treatises, law commentaries, bar preparation books, and textbooks.

¶66 In the Hong Kong SAR and Taiwan, almost all international publishers (e.g., OUP, Brill, Kluwer) have established local offices. In addition, major university presses publish scholarly works on laws in the vernacular. The HKU Press has

108. *AsianLII Databases*, ASIANLII, <http://www.asianlii.org/databases.html> (last visited Apr. 29, 2013).

109. *HKLII Databases*, HKLII, <http://www.hklii.hk/eng/databases.html> (last visited May 2, 2013).

110. LAW CITE, <http://www.asianlii.org/LawCite/> (last updated June 6, 2013).

111. For more information about the Noteup feature, see *AustLII Guide to Legal Research on the Web*, AUSTLII, <http://www.austlii.edu.au/austlii/guide/current/20030315--4.html#Heading908> (last visited May 2, 2013).

published a law series that includes scholarly works reflecting the current legal development of Hong Kong, among other publications.

JOURNALS AND LEGAL NEWSPAPERS

¶67 There are many journals on Chinese law in English, such as the *Chinese Journal of International Law*, *Columbia Journal of Asian Law*, and *Frontiers of Law in China*. In addition, *China Law and Practice* is a leading English journal that covers English translations of laws, case digests, and articles on current practice of the entire greater China area. Most journals are available in full text through at least one of the major legal journal article databases such as HeinOnline, LexisNexis, Westlaw, or ABI/Inform.

¶68 There are more than one hundred legal journals in Chinese published by various university presses and other research institutes. The *Chinese Social Science Citation Index (CSSCI)*, maintained by the Nanjing University Chinese Social Sciences Research Evaluation Center, issues an annual ranking of more than 2700 social sciences journals, including law journals.¹¹² Among them, *China Legal Science* and *Chinese Journal of Law* consistently top the law journal rankings.¹¹³ Under the supervision of the Ministry of Justice, the *Legal Daily* (法制日报集团) is a leading legal newspaper press group. It is composed of seven legal news publications.

¶69 The *Hong Kong Law Journal*, a peer-reviewed journal published by Hong Kong University, is the leading academic law journal in Hong Kong. *Hong Kong Lawyer*, the official journal of the Law Society of Hong Kong, is published by Butterworth (Hong Kong).

¶70 In Taiwan, there are about a hundred journals and law reviews published by academic institutions, government agencies, commercial publishers, and bar associations. The 2011 release of the *Taiwan Social Science Citation Index* includes eight journals across the entire Taiwan area. Among them, *Fair Trade Quarterly* by the Fair Trade Commission of Taiwan, *Chengchi Law Review* by the National Chengchi University College of Law, and *National Taipei University Law Review* top the ranking list. In addition to law reviews and journals published by individual universities and academic institutions, two commercial legal publishers in Taiwan are well-known for their legal publications: 元照出版社 (YuanChou Press)¹¹⁴ and Sharing Culture Enterprise.¹¹⁵

Commercial Databases

¶71 For a fee, users may access legislation, administrative regulations, local government laws and regulations, and judicial decisions of all levels of courts of mainland China in ChinaLawInfo, LexisNexis China, and Westlaw China in Chinese, with certain materials translated into English. Similarly, a user may also find laws,

112. CHINESE SOCIAL SCIENCES RESEARCH EVALUATION CTR., <http://cssci.nju.edu.cn> (last visited May 2, 2013).

113. See *CSSCI Law Journals*, KOGUAN LAW SCH. OF SHANGHAI JIAO TONG UNIV., <http://law.sjtu.edu.cn/Article070403.aspx> (last visited May 2, 2013).

114. 元照出版社, <http://www.angle.com.tw/aboutus.asp> (last visited May 2, 2013).

115. SHARING CULTURE ENTERPRISE CO. LTD. (新学林出版社), <http://www.sharing.com.tw/web/front/bin/home.phtml> (last visited May 2, 2013).

regulations, and judicial decisions of China in CNKI's *China Legal Knowledge Database*, mostly in Chinese. In addition, ChinaLawInfo includes databases of laws and regulations of the Hong Kong SAR, the Macau SAR, and Taiwan.

¶72 Thomson Reuters provides Westlaw China, a comprehensive database that covers many primary and secondary legal materials in Chinese with some also in English, including but not limited to statutes, international agreements and treaties, administrative regulations, decrees, department rules, local regulations, cases, journals, practical documents, and news. It boasts a very easy to navigate interface (mimicking Westlaw U.S.) and user-friendly search features such as advanced and basic search, sorting, case headnotes, and a bilingual legal glossary.¹¹⁶

¶73 ChinaLawInfo from the Peking University Legal Information Center¹¹⁷ and CNKI by TongFang¹¹⁸ make law review and journal articles available online in their databases in Chinese. CNKI also includes master's theses and doctoral dissertations in full text. Although these materials are in Chinese, they are indexed with English keywords, and some have English titles or abstracts. Both vendors also provide English search interfaces. Therefore, non-Chinese speakers are generally able to find articles by searching with English keywords.

¶74 LexisNexis has also launched a comprehensive Chinese law database, LexisNexis China. In addition to providing statutes, regulations, judicial decisions, and other primary and secondary legal materials in full text in Chinese, with English translations of certain materials, it also offers practitioner modules in some major areas of law, such as tax law, corporate law, and employment law.¹¹⁹

Japan

Primary Sources

¶75 The Japanese legal system is based on the civil law system, following the model of European legal systems, especially those of Germany and France. Japan established its legal system when imperial rule was restored to Japan in 1868—the Meiji Restoration. The Meiji Constitution was the organic law of the Japanese Empire in effect from 1890 to 1947. After World War II, there was a major legal reform, and the constitution was drawn up under the Allied occupation, with U.S. influence, and includes human rights protections. The current Japanese legal system is a hybrid of continental and American law.

¶76 Since the Freedom of Information Act was passed in May 1999, numerous resources for government information have become available on the web. Even before the legislation was enacted, many government departments began providing their information via the Internet. E-Gov is a portal web site of government information administered by the Ministry of Internal Affairs and Communications.¹²⁰

116. WESTLAW CHINA, http://www.westlawchina.com/index_en.html (last visited May 2, 2013).

117. See *Our Services*, CHINALAWINFO, <http://www.lawinfochina.com/ProductsServices/index.shtm#aboutus> (last visited May 2, 2013).

118. CNKI, <http://law1.cnki.net/law/default.aspx> (last visited May 2, 2013).

119. LEXISNEXIS CHINA, <http://www.lexisnexis.com.cn/english/our-solutions/legal> (last visited May 2, 2013).

120. E-Gov, 電子政府の総合窓口イーガブ, <http://www.e-gov.go.jp/link/ordinance.html> (last visited May 7, 2013).

Government documents can also be searched on the web site of the Government Printing Office.¹²¹

¶77 The National Diet is the only law-making body in Japan.¹²² Many bills are drafted by government agencies and submitted through the cabinet and posted on the web site of the House of Councillors.¹²³ Also, Diet members can draft and submit a bill if there are a certain number of cosponsors. The bills since the 142nd Diet Session (1998) can be found on the House of Representatives web site.¹²⁴ The bills from the ministries and other agencies can be found on the web site of the prime minister and his cabinet, *Kankōchō linku shū*.¹²⁵

¶78 Statutes must be promulgated after they are passed by the legislature. The emperor promulgates them and new legislation is published in *Kanpō* (Gazette).¹²⁶ The last five days of *Kanpō* are available to the general public. *Kanpō* is updated weekly on the Prime Minister's Office web site after the legislation has been enacted in the Diet.¹²⁷ At the web site of the House of Representatives, session laws (Seitei Hōritsu)¹²⁸ passed by the Diet since 1947 are available, except for the most recent ones.

¶79 In April 2001, a consolidated searchable code database *Hōrei dēta teikyō shisutemu* (Current Law Database) was launched by the Ministry of Internal Affairs and Communications.¹²⁹ The database is updated every two or three months after enactment of a new law or amendment of a code by the Diet. It includes more than six thousand laws such as the constitution, laws, decrees, edicts, the cabinet office ordinance, orders from the Ministry, and regulations. It is the first database in Japan to provide a consolidated code on the web for the public without a fee.

¶80 The Roppō is the most important source for Japanese legislation and regulations. It consists of six fundamental codes: the Constitution (Kenpō), the Civil Code (Minpō), the Code of Civil Procedure (Minji Soshōhō), the Commercial Code (Shōhō), the Criminal Code (Keihō), and the Code of Criminal Procedure

121. [GOV'T DOCUMENT PUBL'G DISTRIB. COOP.], 全国官報販売協同組合, <http://www.gov-book.or.jp> (last visited May 2, 2013).

122. In Japan, there are two chambers of parliament: House of Councillors—Upper Diet (Sangi-In), see HOUSE OF COUNCILLORS, NAT'L DIET OF JAPAN, 参議院, <http://www.sangiin.go.jp> (last visited May 15, 2013), and House of Representatives—Lower Diet (Shūgi-In), see HOUSE OF REPRESENTATIVES, [NAT'L DIET OF JAPAN], 衆議院, <http://www.shugiin.go.jp/index.nsf/html/index.htm> (last visited May 15, 2013).

123. [List of Bills], HOUSE OF COUNCILLORS, NAT'L DIET OF JAPAN, 参議院議案情報, <http://www.sangiin.go.jp/japanese/joho1/kousei/gian/180/gian.htm> (last visited May 15, 2013).

124. [List of Bills], [HOUSE OF REPRESENTATIVES], 衆議院議案の一覧, http://www.shugiin.go.jp/index.nsf/html/index_gian.htm (last visited May 15, 2013).

125. PRIME MINISTER OF JAPAN & HIS CABINET, 首相官邸, <http://www.kantei.go.jp/jp/joho/index.html#link> (last visited May 15, 2013).

126. [Gazette] インターネット版官報, [INDEP. ADMIN. CORP. FOR NAT'L PRINTING BUREAU] 独立行政法人国立印刷, <http://kanpou.npb.go.jp> (last visited May 15, 2013).

127. [Gazette Digest] 官報ダイジェスト, PRIME MINISTER OF JAPAN & HIS CABINET, 首相官邸, <http://www.kantei.go.jp/jp/kanpo/digest.html> (last visited May 15, 2013).

128. *Shūgin seitai hōritsu*, 衆議院制定法律 [Session Laws], [HOUSE OF REPRESENTATIVES], http://www.shugiin.go.jp/index.nsf/html/index_housei.htm (last visited May 1, 2013).

129. [MINISTRY OF INTERNAL AFFAIRS & COMM'NS], [SŌMUSHŌ], 総務省の情報通信政策に関するポータルサイト, http://www.soumu.go.jp/main_sosiki/joho_tsusin/joho_tsusin.html (last visited May 11, 2013).

(Keiji Soshōhō).¹³⁰ Roppō is an unofficial legal source and various types of Roppō are published by different publishers in various formats such as DVD, CD-ROM, and web products. The *Roppō Zensho*, 六法全書, published annually by Yūhikaku, is widely used in Japan. Also, there are open access web sites for each code, and the codes are also published in CD-ROM format. *Hōrei Zensho*, published monthly by Kokuritsu Insatsukyoku, covers laws since 1867 and has a subject and word index.

¶81 Minutes of each Diet chamber and the proceedings of whole plenary sessions and of each committee since 1946 are available at the National Diet Library's web site, Kokkai Kaigiroku Kensaku Shisutemu.¹³¹ Supreme Court rules can be found on the court's web site.¹³²

Secondary Sources

¶82 Judicial power is vested in the Supreme Court and lower courts (high courts, district courts, family courts, and summary courts). Japan's court system is divided into four tiers.¹³³ Independence of the judiciary is guaranteed by the constitution. Most judges are virtually lifetime employees of a national government bureaucracy. The judgments of the Supreme Court are considered to be binding on lower courts. The decisions of the high courts are very influential in the lower courts. Judicial decisions, regarded as being important, are compiled and codified.

Official Case Reports on the Web

¶83 Except for Supreme Court cases, only a small percentage of judgments are reported; an unreported judgment can be obtained by requesting a copy in person at the record office of each court. Lower court decisions of intellectual property cases and labor law cases have been available since July 1999.

¶84 The case-naming method is different in Japan than in the United States. There is no actual case name system. The name of the court and date of the judg-

130. NIHONKOKU KENPŌ [KENPŌ] [CONSTITUTION] (Japan), translation at <http://www.sangiin.go.jp/eng/law/index.htm> (last visited May 2, 2013); MINPŌ [MINPŌ] [CIV. C.], 1896 (Japan), translation at <http://www.cas.go.jp/jp/seisaku/hourei/data/CC.pdf> (last visited May 2, 2013); MINJI SOSHŌHŌ [MINSOHŌ] [C. CIV. PRO.], 1996 (Japan), translation at <http://www.japanlaw.co.jp/procedure/civilcode.html> (last visited May 2, 2013) and at <http://eiyaku.hounavi.jp/taiyaku/h08a10901.php> (last visited May 2, 2013); KEIHŌ [KEIHŌ] [PEN. C.], 1907 (Japan), translation at http://www.cas.go.jp/jp/seisaku/hourei/data/PC_2.pdf (last visited May 2, 2013); KEIJI SOSHŌHŌ [KEISOHŌ] [C. CRIM. PRO.], 1948 (Japan), translation at http://www.cas.go.jp/jp/seisaku/hourei/data/COCP_1-2.pdf (last visited May 2, 2013); SHŌHŌ [SHŌHŌ] [COMM. C.], 1899 (Japan), translation at <http://www.japanlaw.info/japancommercialcode/Japan%20Commercial%20Code%20Table%20of%20Contents.html> (last visited May 2, 2013).

131. [Nat'l Diet Proceedings], [NAT'L DIET OF JAPAN], <http://kokkai.ndl.go.jp> (last visited May 1, 2013).

132. *Saibansho kisokushū*, 裁判所規則集 [Supreme Court Rulebook], COURTS IN JAPAN, <http://www.courts.go.jp/kisokusyu> (last visited May 11, 2013).

133. The Japanese court system is relatively simple because it is not a federal system. The first tier of courts is the summary court (Kani Saibansho, 簡易裁判所). The second is the district courts (Chihō Saibansho, 地方裁判所), the principal courts of first instance. There are fifty district and family courts with additional branches. There are eight high courts (Kōtō Saibansho, 高等裁判所), as well as the Intellectual Property High Court (Chiteki Zaisan Kōtō Saibansho, 知的財産高等裁判所). There is one Supreme Court (Saikō Saibansho, 最高裁判所).

ment are generally used to search a case. Parties' names are not used if the parties are individuals. Therefore, parties' names are not queried in searching cases. Names of corporations, though, may be used for the case name.

¶85 Official case reports in Japanese, which have been published since 1947, are available on the Saibanrei Jyōhō web site and are searchable by keyword.¹³⁴ Official case reports in Japanese from the Supreme Court and other lower courts from the last three months, as well as case reports from the Intellectual Property High Court from the last month, are also found at the Saikin no Saibanrei web site.¹³⁵ English translations of some of the Supreme Court's judgments can be found on the Supreme Court web site.¹³⁶

¶86 Unofficial case reports are available on the web site of the Aidai Hanrei,¹³⁷ which lists well-known and important cases in the field of constitutional law, criminal law, civil law, commercial law, criminal procedure, and civil procedure. You can find copyright case judgments on Mr. Ueno's web site.¹³⁸

Official Case Reports in Print

¶87 Case reports of Taishin'in¹³⁹ can be found in *Taishin'in Minji Hanketsuroku* (Civil) and *Taishin'in Keiji Hanketsuroku* (Criminal), published by Shihō Shō (Ministry of Justice) from 1875 to 1887 and published by Tōkyō Hōgakuin from 1895 to 1921. Later cases are in *Taishin'in Minji Hanreishū* (Civil) from 1922 to 1946 and in *Taishin'in Keiji Hanreishū* (Criminal) from 1922 to 1947. Since 1947, court reports published by the Supreme Court and lower courts have been divided into two categories: civil and criminal cases. *Saikō Saibansho Minji Hanreishū* (Civil) and *Saikō Saibansho Keiji Hanreishū* (Criminal) are published by the Hanrei Chōsakai. These collect cases where different judgments were entered despite similarities between the cases. *Saikō Saibansho Minji Saibanshū* (Civil) and *Saikō Saibansho Keiji Saibanshū* (Criminal) contain cases selected by the members of the courts as reference cases for the future. There are four subject-specific case reporters: Administrative Cases,¹⁴⁰ Family Cases,¹⁴¹ Intellectual Property Cases,¹⁴² and Labor Cases.¹⁴³

134. [Court Case Information], COURTS IN JAPAN, http://www.courts.go.jp/search/jhsp0010?action_id=first&hanreiSrchnKbn=01 (last visited May 1, 2013).

135. [Recent Judgments], COURTS IN JAPAN, <http://www.courts.go.jp/hanrei.html> (last visited May 1, 2013).

136. *Judgments of the Supreme Court*, SUPREME COURT OF JAPAN, <http://www.courts.go.jp/english/judgments/index.html> (last visited May 1, 2013).

137. *Aichi University Legal Search Engine 'Aidai Roppou' version 2.1*, AICHI UNIV., <http://roppou.aichi-u.ac.jp> (last visited May 1, 2013).

138. UENO TATSUHIRO, <http://www.rikkyo.ne.jp/~uenot/copyright.html> (last visited May 11, 2013).

139. Daishin'in or Taishin'in (Great Court of Judicature) is the Supreme Court under the Constitution of the Empire of Japan.

140. GYŌSEI JIKEN SAIBANREISHŪ (1950–1997).

141. KATEI SAIBAN GEPPŌ (1955–).

142. MUTAI ZAISAN KANKEI MINJI GYŌSSEI SAIBANSHŪ (1969–1990); CHITEKI ZAISANKEN KANKEI MINJI SAIBANSHŪ (1991–1998).

143. RŌDŌ KANKEI MINJI SAIBANREISHŪ (1950–).

Unofficial Case Reports in Print

¶88 Several court report journals are published. Each issue has case interpretation and analysis, the essential elements of the court decisions, and comments. *Hanrei Jihō* (published by Hanrei Jihōsha) includes important cases and gives key point of judgments. *Hanrei Hyōron*, a supplement to *Hanrei Jihō*, is devoted to comment on cases. *Hanrei Taimuzu* (published by Hanrei Taimuzusha) includes cases of the Supreme Court; administrative cases; labor cases; and civil, commercial, and criminal cases. There is a DVD version, which includes all cases. There are also subject-specific case reports: *Hanrei Chihō Jichi* (published by Gyōsei) for administrative cases; *Kōtsū Jiko Minji Saibanreishū* (published by Gyōsei) for important civil traffic cases; *Junkan Ki'nyū Hōmu Jijyō* (published by Ki'nyū Zaisei Jijyō Kenkyūkai) for financial transaction cases; *Ki'nyū Shōji Hanrei* (published by Keizai Hōrei Kenkyūkai) for financial transactions, management, and enterprises cases; *Bessatsu Chūō Rōdō Jihō* (published by Rōikyōkai) and *Rōdō Hanrei* (published by SanRō Sōgō Kenkyūjo) for important labor cases, which are selected by the Central Labor Relations Commission and each local commission.

Law Journals

¶89 *Juristuto*, *Hōgaku Kyōshitsu*, *Hōritsu Jihō*, and *Hōgaku Seminā* are all widely read legal magazines. *Juristuto* (Jurist) (published by Yūhikaku), which is equivalent to the *Harvard Law Review*, features articles as well as reports on new legislation and notable cases with interpretation and analysis. *Hōgaku Kyōshitsu* is for law school students and is a companion to *Juristuto*, with comments on cases by scholars. *Hōritsu Jihō* (published by Nihon Hyōronsha) has a list of comments on recent cases. *Hōgaku Seminā* (published by Nihon Hyōronsha) gives descriptions and commentary on cases. *Minshōhō Zasshi* (published by Yūhikaku) is a leading journal on private law and cases related to civil and commercial codes. *NBL* (*New Business Law*) (published by Shōji Hōmu) focuses on the fields of business, property, and credit. *Gendai Keijihō* (published by Gendai Hōritsu Shuppan) covers criminal cases. Legal journals on Japanese law in English are *Asian-Pacific Law and Policy Journal* (APLPJ), *Asia-Pacific Journal: Japan Focus*,¹⁴⁴ *Hitotsubashi Journal of Law & Politics* (published by Hitotsubashi Daigaku), and *Japan Law Journal* (published by Survey Japan). For social security law and labor law, the Ōhara Institute¹⁴⁵ at Hōsei University provides a database of articles in these fields.

¶90 Because of scholarly electronic publishing initiatives in Japan, many universities make their law reviews accessible through academic institutional repository programs. Institutional repositories are reaping both short-term and ongoing benefits for universities and legal scholars around the world. Japanese articles in law reviews that are in institutional repositories are searchable through Google

144. ASIA-PACIFIC JOURNAL: JAPAN FOCUS, <http://www.japanfocus.org/home> (last visited May 1, 2013). This peer-reviewed journal contains in-depth critical analysis of the forces shaping the Asia-Pacific region. It focuses on geopolitics, economics, history, society, culture, international relations, and forces for change in the Asia-Pacific region.

145. ŌHARA DEJITARU RAIBURARI, <http://oohara.mt.tama.hosei.ac.jp/kensaku/ronbun.html> (last visited May 15, 2013).

Scholar, and there is a link to them on the CiNII Articles web site.¹⁴⁶ CiNII Articles, produced by the National Institute of Informatics, provides links to an online catalog of more than 1200 academic institutions in Japan and access to more than twelve million books and journal titles, and it is a gateway to academic articles in the National Diet Library's *Japanese Periodicals Index Database*.¹⁴⁷

Legal Publishers

¶91 Numerous publishers produce law books including treatises, dictionaries, and journals in Japan: Gyōsei (ぎょうせい), Ki'nyū Zaisei Jijyō Kenkyūkai (金融財政事情研究会), Keizai Hōrei Kenkyūkai (経済法令研究会), Keisō Shobō (勁草書房), Gendai Jinbunsha (現代人文社), Kōbundō (弘文堂), Sansēidō (三省堂), Jiyū Kokuminsha (自由国民社), Shōji Homu (商事法務), Shinzansha (信山社), Junpōsha (旬報社), Iwanami Shoten (岩波書店), Shin Nippon Hōki Shuppan (新日本法規出版), Seibundō (成文堂), Seirin Shoin (青林書院), Dai-Ichi Hōki (第一法規), Tachibana Shobō (立花書房), Nihon Kajyo Shuppan (日本加除出版), Nihon Hyōronsha (日本評論社), Hanrei Taimuzusha (判例タイムズ社), Hōgaku Shoin (法学書院), Hōritsu Bunkasha (法律文化社), Minjihō Kenkyūkai (民事法研究会), and Yūhikaku (有斐閣). Legal treatises are published by Tōkyō Daigaku Shuppankai (東京大学出版会) and Waseda Daigaku Shuppanbu (早稲田大学出版部). Some legal publishers have started to provide their book catalogs online. Examples include Nihon Hyōronsha, Yūhikaku, Dai-Ichi Hōki, Hanrei Timuzusha, and Shin-Nihon Hōki. Some publishers in Japan distribute CDs containing cases that have been published in print case reports, and they also support online databases similar to Westlaw and LexisNexis. Shin Nihon Hōki Shuppan¹⁴⁸ and Yūhikaku¹⁴⁹ make legal e-books available.

Newspapers

¶92 For news, *Asahi Shinbun*, *Mainichi News*, *Yomiuri News*, and *Nihon Keizai Shinbun* distribute their stories via the web. *Asahi Shinbun* has also had a full-text commercial database for their news since 1986. For English readers, the *Japan Times*, *Nikkei Net*, and *Mainichi Daily News* distribute legal news in English.

Subscription Databases

¶93 Hōko covers current laws, cabinet orders, ministry ordinances, and ministry notices with word, topic, and chronological indexes.¹⁵⁰ Access to some parts of

146. NII: THE NATIONAL INSTITUTE OF INFORMATICS (KOKURITSU JŌHŌGAKU KENKYŪJO 国立情報学研究所), <http://www.nii.ac.jp> (last visited May 1, 2013). CiNII (pronounced "sigh-knee") Articles Scholarly and Academic Information Navigator is a service that can be searched free of charge for books and articles. For viewing paid content, special rates and other privileges are offered to institutional fixed-price users (registration by institution) or users with an ID (individual registration).

147. See *List of Online Services*, NAT'L DIET LIBRARY, http://www.ndl.go.jp/en/service/online_service.html (last visited May 2, 2013).

148. *Shin Nihon Hōki Shuppan*, OPEN LIBRARY, http://openlibrary.org/publishers/Shin_Nihon_Ho%CC%84ki_Shuppan (last visited May 1, 2013).

149. Yūhikaku launched YDC1000 for e-books in 2012—a subscription to any e-books produced by Yūhikaku for 1000 yen per month. YDC1000, <http://cotoha.jp/2011/12/ydc1000.html> (last visited May 1, 2013).

150. HOUKO.COM, <http://www.houko.com> (last visited May 1, 2013).

the database costs money, but much of it is available for free. Super Hōrei Web combines current Japanese law compiled by the Ministry of Justice with repealed laws.¹⁵¹ It contains more than 12,000 laws, including the constitution, statutes, ministry ordinances, administrative laws, regulations, treaties, decrees, notices, *Daijōkan Fukoku*,¹⁵² and *Daijōkan Tasshi*,¹⁵³ and the history of amendments is searchable. The database is connected to LEX/DB, and there is a link to relevant precedent. With a monthly fee,¹⁵⁴ all gazettes (*Kanpō*) since May 3, 1947 (when the current constitution came into effect) are accessible at the National Printing Bureau's web site. Dai-Ichi Hōki also publishes the current debate schedule and full-text data of some bills.

¶94 For English translations of Japanese laws, you can subscribe to the print EHS Law Bulletin Series published by the Eibun Hōreisha. LEX/DB Internet, produced by TKC, covers case reports since 1894 and is one of the most popular legal databases in Japan.¹⁵⁵ Based on the case reports of LEX/DB, TKC also produces a legal database called *Law Library*, which is customized for law school curricula.¹⁵⁶ Dai-Ichi Hōki has a full-text database of decisions published since 1891. It is called D1-Law.com and covers more than 22,000 cases.

¶95 Westlaw Japan and LexisNexisJP provide comprehensive databases, which include laws and regulations, case reports since 1948, legal commentaries, and articles. Both databases are all in Japanese. LexisNexisJP has more than 250,000 cases with monthly web updates, and legal information from the legislative, judicial, and executive branches was integrated into LexisNexis as One in 2012. Westlaw Japan covers more than 230,000 cases (as of March 2012) from before World War II, including full-text cases and other value-added editorial enhancements such as accurate and concise abstracts and bylines, as well as applicable legislation.

Conclusion: Opportunities and Challenges

¶96 Globalization and the growth of international trade and commerce have resulted in growing research interest in the interplay of differing legal systems with international rules of law and norms of practice. Developing and maintaining an academic law library collection that can meet the amorphous research needs of its constituents remain an ongoing challenge for the librarian-selector.

¶97 To meet the need of library users for quick access to a wide array of foreign legal resources, going digital is often the preferred option for academic law libraries in the United States. Developing an electronic collection removes the logistical bar-

151. Super 法令 Web, <http://shb.legal-square.com/SHB-Shohin/page/SWLogin.jsf> (last visited May 11, 2013).

152. 太政官布告 (だじょうかんふこく), Fukoku laws proclaimed at the beginning of the Meiji Era. Originally, there was no difference between *fukoku* and *tasshi*; however, beginning in 1873, "fukoku" was used for laws pertaining to Japanese citizens.

153. 太政官達 (だじょうかんたつし), Tasshi laws proclaimed at the beginning of the Meiji Era. "Tasshi" was used for laws related to government officers or decrees beginning in 1873.

154. The subscription fee is about \$20 per month.

155. LEX/DB, <http://www.tkcllex.ne.jp> (last visited May 2, 2013).

156. See 東京大学法学部大学院法学政治学研究所, <http://www.j.u-tokyo.ac.jp/about/activity/hogaku> (last visited May 2, 2013).

riers and added associated costs of acquiring and processing print legal materials far away from where they are published. Long physical distance means longer delivery times and higher shipping costs, not to mention the difficulty for the librarian-selector in evaluating the utility and quality of the content when making purchase decisions. Additionally, materials in digital formats save researchers time and money—updating existing laws is much faster online. Librarians may be able to take advantage of a free trial of an e-book or database before buying or subscribing.

¶98 Legal materials are widely available in various formats through commercial vendors and free data providers including governments and other nonprofit organizations, such as legal information institutes. Selectors therefore face a daunting task in making wise and selective collection decisions relating to the formats and coverage of materials available for a fee alongside those available in the public domain. Any selection decisions should be tied to an individual library's mission, user needs, and collection development policy.

¶99 Another approach is to establish an approval plan with a reliable vendor. For example, the University of Michigan Law Library is currently experimenting with an approval plan with the East View Information Service.¹⁵⁷ With an approval plan service, a vendor will, ideally, go to local bookstores to select materials that fit parameters set by selectors in advance. Once a book arrives, the selector can look at the book and determine whether it fits the library's approval plan profile. If not, the book can be returned. This approach requires frequent and clear communication between libraries and vendors.

¶100 A few factors may help you narrow your options: First, do you need materials available in PDF of the original image for cite-checking purposes? Second, do you prefer English translations or official vernacular collections? Third, do you prefer a more authoritative governmental web site or a comprehensive commercial database that includes both primary and secondary legal materials and allows a user to search across the entire database? Finally, as of now, print sources are generally still considered the only official authoritative source, so would you prefer a fee-based print source that may require significant staff time for receiving, cataloging, filing, and shelving, or an easy-to-use free e-resource from a government entity?

¶101 While going digital is an inevitable trend that every academic law library needs to embrace, there is still a way to go before foreign law collections in law libraries in the United States can be entirely paperless (if that day ever comes). The proliferation of free and fee-based legal materials and the pros and cons related to acquiring materials of different formats make purchase and subscription decisions a delicate balancing act for librarian-selectors. Rising publishing costs and ever-shrinking collection budgets have certainly made the challenge all the more acute. Incorporating an East Asian component into the foreign law collection in an academic library depends greatly on the research needs of its main constituents, its students and faculty; the existing depth of the collection in those areas; and last but not least, the availability of alternative means of acquisition, collaborative lending, exchange, and collection development.

157. See *Law*, EAST VIEW INFORMATION SERVICES, <http://www.eastview.com/subjects/law> (last visited May 2, 2013).