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Reference Reviews general review

A tale of two resources: Foreign Law Guide v. Globalex

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Keywords

Information-seeking, Legal research, Ellis's model

Abstract

Purpose – This article aims to examine two important foreign legal research resources, Foreign Law Guide and Globalex, under the Ellis's information search process model.

Design/methodology/approach – This article proceeds in three sections. Part I establishes the evaluation framework based on Ellis's information search process model, incorporating special demands arising out of foreign legal research. Part II evaluates the two reference resources under the framework established in Part I. Part III summarizes the major features and accessibility of both the databases.

Findings – Generally speaking, both Foreign Law Guide and Globalex are great reference resources for researching a foreign jurisdiction through the lens of Ellis's model of information-seeking process and ultimately solve legal research problems. One shortcoming to highlight is that neither resource tends to provide adequate current awareness tools for researchers. Current awareness tools are important for the monitoring process under the Ellis's model, and therefore the lack of adequate current awareness tools should be something to keep in mind while utilizing either or both resources.

Originality/value – Ellis's model is a well-established model for the information-seeking process. Both Foreign Law Guide and Globalex are popular foreign legal research resources. Therefore, the originality and major value of this article is that it is the first article that examines both foreign legal research resource under the Ellis's model.

This article examines two important foreign legal research resources, Foreign Law Guide and Globalex, under the Ellis's information search process model (Ellis, 1989). This article proceeds in three sections. Part I establishes the evaluation framework based on Ellis's information search process model, incorporating special demands arising out of foreign legal research. Part II evaluates the two reference resources under the framework established in Part I. Part III summarizes the major features and accessibility of both databases.

Ellis's model with characteristics of foreign legal research

According to Ellis's model, there are six major steps in the information-seeking process: starting, chaining, browsing, differentiating, monitoring and extracting. Starting refers to the beginning of a research cycle. To serve as a good starting point, a reference resource should provide comprehensive, reliable and reputable information. It may not contain much specific information or information on narrow topics, but it should at least cover an adequate number of major topics to meet the needs of researchers of diverse backgrounds. It should also be reliable. That is, the information shall have been vetted by experts or experienced researchers and shall come from reliable sources. This criterion is especially important for legal reference sources, where reliance on official primary law is the key to any legal research. Finally, it is also essential that reference resources provide reputable legal information. In the legal information field, resources written or edited by law professors, legal scholars and practitioners tend to be more reputable than resources written or edited by legal interns, law students or people with no legal background.

Chaining is the second transition point under Ellis' model. Chaining refers to "following new leads of from initial sources" (Choo *et al.*, 2000). Effective chaining requires initial resources to provide good-quality citations with accurate citation format and stable url's (if any). This requires authors to perform comprehensive and timely research to make sure citations included are not only the most relevant but also the most up-to-date citations. Furthermore, this requires editors and publishers to provide mechanisms to make sure links are up-to-date. This is especially important with legal research because legal research heavily relies on up-to-date primary and secondary legal resources.

Browsing takes place after users have located sources and documents. Effective



browsing allows researchers to quickly grasp the core information from a source or document. Research demonstrates that experts usually possess great skill in browsing, focusing on major tools that allow them to browse quickly, efficiently and comprehensively. These tools include, but are not limited to, title, author, abstract and table of contents. These tools allow readers to quickly grasp the big picture and the context of the material. Novice researchers usually skip or are unable to browse efficiently because they do not use the tools discussed above effectively or at all[1].

Differentiating refers to the process of narrowing search results by filtering references. Effective differentiating allows researchers to focus on the most important search results. Good organization of an article and sophisticated search functionality help researchers to perform more efficient and effective differentiating activities. Writers' explanations of resources cited also help researchers make more informed decisions about where to find additional on-topic research resources and how to focus those searches to maximize the return of on-topic research resources.

Monitoring is a process that allows researchers to keep abreast of recent developments of a particular topic. Good monitoring requires researchers to be able to be informed of developments of a resource and/or a particular topic. This in turn requires authors to update their articles more frequently. It also requires resource providers/publishers to keep a track of articles and to provide more functionality to inform users of any updates in a timely manner. Moreover, it requires resource providers/publishers to include tools to direct researchers to reliable and up-to-date current awareness resources. It is extremely important, yet especially difficult, for legal researchers to keep up-to-date with developments of primary and secondary resources in foreign legal fields because of many barriers, such as language, information access and lack of a sophisticated understanding of substantive legal areas.

Extracting knowledge from information is the key step that involves identifying important information for specific problem solving[2]. Effective extracting requires researchers to have sufficient background knowledge for the particular research area and to be able to know what type of information contributes to solving specific problems. To enable effective extracting, resource providers/publishers need to provide tools such as indexes, bibliographies and search functionalities.

The entire legal research process is non-linear. In other words, a researcher will likely need to circle back to previous steps until the research process is complete.

Globalex v. Foreign law guide under a microscope

Both Globalex and Foreign Law Guide provide great features that help a researcher of foreign law to successfully go through the entire information-seeking process under Ellis's model.

Starting

Both resources serve as a great starting point for legal research. Globalex was first launched and maintained by Hauser Global Law School Program at New York University School of Law. Dedicated to international and foreign law research, the website is divided into four parts: International Law Research, Comparative Law Research, Foreign Law Research and Tools for Building Foreign and Comparative and International Law Collections. The scope is quite comprehensive. For example, under Foreign Law Research, there are hundreds of research guides covering many countries and jurisdictions from Afghanistan to Zimbabwe. Most research guides focus on general research resources of a single jurisdiction, such as *Kuwait's Legal System and Legal Research* and *Guide to Legal Research in Mali*. Some research guides focus on more narrow topics of a particular jurisdiction, such as *Alternative Dispute Resolution in Pakistan* and *Guide on Researching Chinese Mass Media law*. But generally speaking, there is at least one research guide providing an overview of primary and secondary legal resources for each country/jurisdiction. In terms of the reliability of information resources, all articles cite to the official publications of primary sources of law[3]. For example, *Japanese Law Research Guide*, first written by Professor Makoto Ibusuki, then recently revised by Keiko Okuhara, includes online official resources of Japanese legislative resources, statutes and case law. Although it does not provide links directly to an English translation of the Japanese Copyright Act, it provides links to *Japanese Law Translation*, which is an official database of English translations of Japanese laws launched and maintained by the Ministry of Justice of Japan. Authors of Globalex articles are composed of law librarians, law professors and legal practitioners. For example, *Research Guide to Belgian Law* is written by Christoph Malliet, who is an experienced law librarian at the Law Library of the Catholic University of Leuven in Belgium. *Introduction au Système Juridique et*

Judiciaire du Bénin is co-authored by a professor of private law and a judge at the Court of First Instance in Benin.

Foreign Law Guide is also a great starting point for foreign legal research under Ellis's model. Foreign Law Guide was first published as a print resource in the 1990s and moved online in 2000. Similar to Globalex, it provides comprehensive coverage of hundreds of countries worldwide from Afghanistan to Zimbabwe. For each country, it is divided into three major sections. The Government & Legal System section provides pertinent information on a country's legal history, legal system and general legal research tips and citation notes. The Primary Sources section provides a list of important primary (official and major commercial) legal publications for a country, such as Official Gazette, Compiled Statutes, Session Laws and Court Reports. The Laws by Subject section provides list of major primary laws and secondary resources (books and articles) for each major subject in law. Country editors select and review major secondary resources for each individual subject. Secondary resources selected are written by legal experts and published by reputable publishers. Some of the secondary resources target practitioners and others academic researchers. The current chief editor of Foreign Law Guide, Marci Hoffman[4], is an expert in Foreign and International Legal Research from the USA. She has authored several treatises on International and Foreign Legal Research[5]. Country editors of the Foreign Law Guide are usually legal information and research expert in a specific jurisdiction or country.

Chaining

Both Globalex and Foreign Law Guide offer good quality references and links, which allow researchers to perform effective chaining. Some articles in Globalex provide footnotes or endnotes, whereas others do not. It is up to the author's discretion. But overall, articles in Globalex provide stable url's to official or reliable commercial resources. Because Globalex articles are usually updated every two years, it is reasonable to conclude that most url's are stable and up-to-date.

Foreign Law Guide is more consistent in terms of the type of references included, as there is a more specific and uniform guideline for authors in terms of what resources and url's should be included. On the other hand, it seems that Foreign Law Guide may be updated less frequently than Globalex and, as a result, researchers may see more out-of-date url's than Globalex. However, the descriptions associated with the resources and url's usually provide enough information that researchers can locate

the resources even with out-of-date url's. In other words, both resources provide good tips for researchers to perform effective chaining activities. Another good indicator for researchers to know whether resources and url's provided are up-to-date or not is the date of publication or date last updated. Both Foreign Law Guide and Globalex provide such information.

Browsing

Both Foreign Law Guide and Globalex offer sufficient browsing capacities. As Globalex gives authors more leeway in terms of how to organize their articles, a user may see more variance when reading through Globalex articles. But all articles contain information such as title, author and affiliations and hyperlinked table of contents. Some articles may also provide extensive footnotes[6]. Most articles do not have an abstract, but the table of contents is usually sufficient for users to quickly figure out the structure and content of the article.

Foreign Law Guide, on the other hand, is more uniform in terms of the format. For each country, there are four major categories: Government and Legal System, Primary Sources, Other Materials and Laws by Subject. The first three categories provide general legal background and primary legal information for the entire jurisdiction. The last category, Laws by Subject, provides legal information on specific subject areas of law arranged alphabetically. Each major category is further divided into many sub-sections. For example, under Primary Sources, there are five sub-sections: Official Gazette, Compilations or Official Codifications, Session Laws, Codes and Court Reports. A user can browse each sub-section by clicking on the hyperlink of each sub-section heading. Different from Globalex, where users can search by using Ctrl-F to search the entire article, Foreign Law Guide does not allow users to limit the search to an individual article, but users may search across the entire Foreign Law Guide database.

Differentiating

Differentiating is essentially a process of filtering references and narrowing down results. As discussed in the section on browsing, both Globalex and Foreign Law Guide allow users to perform simple full-text searches to filter references. In addition, Foreign Law Guide provides advanced search features that allow users to search by keyword, author, within the title or heading and other major sections, such as by bibliography, religion, country, subject, etc. Additional search tips are also provided to help users construct and conduct better searches. In terms of the resources, the authors of both databases provide sufficient explanation

and information about resources to help users gain a basic understanding of each individual resource mentioned in the article. Generally speaking, an author would include information such as author, publisher, publication date and a brief explanation of why this is a good source – mostly because of the reputation of an author and/or content provided. For example, when discussing compilations or official codifications of Japanese law, the author provides five publications, including two sources in vernacular and three sources in English. For each source, information such as the author, publisher, date of publication, language, currency and major content are provided. This information helps users make informed decisions. For example, a user is tasked to find a copy of current Japanese Trademark Law in English that is available online. In such a case, the user may skip the vernacular publications and start with the second source mentioned, which is a freely available government website that provides English translations of major Japanese laws and regulations. On the other hand, if a user is tasked with finding a copy of Japanese Trademark Law in Japanese then the first source, Horei DB, the official government website for laws and regulations, would be the best place to start.

Monitoring

Keeping up with most recent developments in the law is one of the most important steps with any legal research. When researching foreign law, it is very difficult to keep abreast of new developments because of lack of resources and familiarity with foreign legal information and resources. As a result, when relying on a foreign legal research resource, it is essential for a user to be able to tell whether the resource currently relied on is up-to-date and whether the resource currently relied on provides any current awareness tools and resources on the same or similar subject.

Both resources provide some features that allow users to be more informed of the currency of the work and resources referenced. For example, the date of currency is provided with each country in the Foreign Law Guide. Articles published on Globalex are updated every few years. But neither of them seems to be consistent in requiring authors or country editors to provide current awareness tools and resources. Important and helpful current awareness tools that would assist legal researchers include legal news, blogs and guidance and analysis of recent developments of a substantive area of laws. This information is especially helpful for foreign legal researchers to be aware of because most foreign legal

researchers are not familiar with such type of resources available in a foreign country.

Extracting

At the end of the day, legal research is all about problem solving. Extracting, the final and key step, involves the legal researcher solving the problem. Effective extracting requires the researcher to fully understand the nature of the problem and the essence and scope of the resources at hand. Therefore, a useful resource should provide information that helps the researcher to understand the essence of the legal issues and features that would help researchers to quickly assess the scope of resources in hand. Generally speaking, it is not fair to expect to find sufficient information on all substantive areas of law from a reference resource – such as Foreign Law Guide or Globalex. But it is fair to expect references that will help researchers to extract in relation to a specific substantive area of law. For example, if a researcher is tasked to find a copy of the most up-to-date Japanese trademark law, then references to relevant resources that will lead researchers to find such laws should be expected from a helpful reference resource. Another example would be if a researcher is tasked with finding out the evolution of registration-based and use-based doctrine and their application in the current Japanese legal system, then references to resources that discuss these two doctrines (or at least discussion of Japanese trademark law in general) should be expected from a comprehensive legal reference resource. Both Foreign Law Guide and Globalex meet all these expectations. Articles in both databases generally provide comprehensive coverage and key primary and secondary resources that would help researchers track down and extract information.

Conclusion

In conclusion, both Foreign Law Guide and Globalex are great reference resources for researching a foreign jurisdiction through the lens of Ellis's model of information-seeking process and ultimately solving legal research problems. Both employ authors who are legal experts in the field. Both manage to provide adequate browsing and searching capacities for users to perform effective information-seeking behaviors. Both aim to cover most (if not all) jurisdictions worldwide. Globalex may have some articles focusing more on specific and narrow topics of a certain jurisdiction in certain legal areas. Foreign Law Guide aims to cover major primary legal information that is supplemented with primary and secondary

resources of certain key legal topics for each country. In terms of accessibility, Foreign Law Guide is a commercial database. It is owned by Brill, a publishing company based in Leiden, Netherlands. Globalex is a free website that is maintained by the New York University School of Law. As a result, users can access Globalex anywhere on the web, whereas Foreign Law Guide is limited to subscribers only. Neither resource tends to provide adequate current awareness tools for researchers at this moment, and this should be something to keep in mind while utilizing either or both resources.

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Notes

- 1 For example, See Christensen (2008). The author cited to a study done by Mary Lundeberg examining the way in which experts and novices read judicial cases. Lundeberg identified two major differences between the expert and novice readers: context and evaluation. With respect to context, experts tend to focus on information such as “the names of the parties, the judge authoring the opinion, or the date of opinion”, whereas novices tend to ignore this information. Further in the article, the author discussed how the experts tend to pay more attention to the context of the case by first “overviewing the case for topic, decision, and length and checking jurisdiction, level of court, and date”.
- 2 Supra note 1, available at: <http://firstmonday.org/article/view/729/638> (accessed 21 September 2015).
- 3 Primary sources of law “are authoritative statements of legal rules issued by governmental bodies” such as constitutions, statutes, case law, ordinances and administrative regulations. Secondary sources of law refer to “materials about the law that are used to explain, interpret, develop, locate or update primary sources”. See Steven *et al.* (2015). It is important to note that what are considered as primary sources of law is

highly dependent on the legal system of a particular jurisdiction. For example, case law is not considered a primary source of law in Japan, a civil law jurisdiction.

- 4 www.law.berkeley.edu/php-programs/faculty/facultyProfile.php?facID=4361
- 5 For example, see Hoffman and Rumsey (2005).
- 6 For example, see Zhang (2012, 2013).

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Appendix

Table AI. Summary of features of Foreign Law Guides and Globalex under Ellis's model

Ellis's model	Foreign Law Guide	Globalex
Starting	<i>Serves as a good starting point for foreign legal research</i> Comprehensiveness (covering most (if not all) jurisdictions worldwide; for each jurisdiction, covering both general legal information and specific areas of law) Reliability (edited by legal information experts; cite to official sources both in paper and online) Reputable (edited by legal information experts; chief editor is a foreign, international and comparative legal research expert in the USA; available on a stable commercial database)	<i>Serves as a good starting point for foreign legal research</i> Comprehensiveness (covering most jurisdictions worldwide; some articles focus on a narrow aspect of a jurisdiction; some articles provide a general overview of the legal system and legal information of a jurisdiction) Reliability (authored by legal information experts; cite to official sources both in paper and online.) Reputable (maintained by Hauser Global Law School Program at New York University School of Law; editors are legal information experts in the USA)
Chaining	Updated less frequently; provide citations to official sources; some urls may be out of date, but descriptions usually are sufficient to help users to identify the sources (even with out-of-dated urls)	Updated every two years, in general; provides citations to official sources; links are usually up-to-date
Browsing	Uniform standard in terms of what content to be included, easy to browse and searching is not ideal; therefore, browsing is probably the best way to find the information needed quickly	More leeway for authors to decide what content to be included, articles are in HTML format and easy to search using Ctrl+F; most articles come with a table of contents for easy browsing
Differentiating	Enough information to allow users to perform effective differentiating	Enough information to allow users to perform effective differentiating
Monitoring	No information regarding current awareness tools; updated less frequently than desired	Varied article by article. Some articles provide current awareness information; others do not. Updated every two years
Extracting	Sufficient information and references for users to track down and extract information, such as references, overview of a jurisdiction's legal system and legal history and highlights of a jurisdiction's salient legal features	Varied article by article, but most articles provide sufficient information and references for users to track down and extract information such as references and links to other sources. Some articles may not provide rich information on a jurisdiction's legal system, legal history and major legal developments