



Panel: Comparative Judicial Practice

Honorable Peter J. Messitte

Overview

International Judicial Cooperation

- A) At least two aspects
 - 1) Cooperation in general – not related to a particular case
 - 2) Cooperation in particular case

- B) Cooperation in general:
 - 1) Speaking as colleagues on issues of mutual interest
 - a) E.g. Court governance, case management
 - b) Based on subject matter, e.g. Hague Convention on Civil Aspects of Child Abduction
 - 1) Information as to law and practice work in a given country
 - 2) Suggestion as to how a U.S. Court might handle particular problems

- c) One-on-one contacts, seminars, conferences, international judicial organizations, specialized judicial advisory councils (e.g. Judicial Advisory Council under Hague Convention on Child Abduction), French system of magistrats abroad

C) Cooperation in particular case:

- 1) Hague Convention on Taking of Evidence Abroad in Civil or Commercial Matters
- 2) Hague Convention on Civil Aspects of International Child Abduction
- 3) Uniform Child Custody Jurisdiction and Enforcement Act
- 4) ALI, Transnational Insolvency Project, “ Principles of Cooperation in Transnational Insolvency Cases” ; See Bankruptcy Code, 28 U.S.C., Ch. 15
- 5) ALI/Unidroit, Principles & Rules of Transnational Civil Procedure
- 6) European Community Judicial Network in Civil and Commercial Matters

D) Query: Do American judges have inherent authority to contact foreign judges in a particular case?

- 1) E.g. Maxwell Bankruptcy litigation (1996)
- 2) Bankruptcy proceeding protocols thereafter