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Mexican Law and Legal Research

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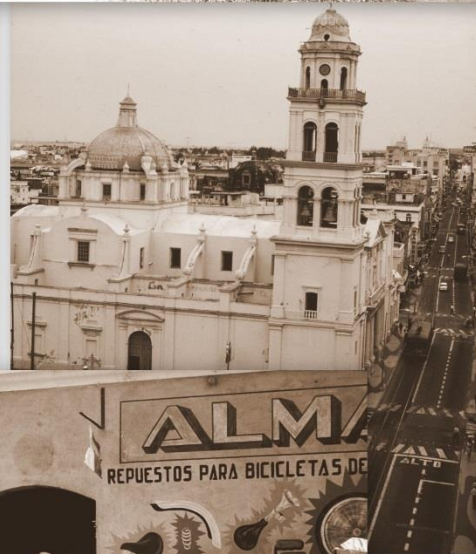
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Mexican Law and Legal Research

A Guide Prepared in Conjunction with the Program
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Introduction

Jonathan Pratter, University of Texas at Austin

Carrying out effective and efficient legal research is a challenge in any jurisdiction. Researching the law of Mexico makes special demands. These demands are structural in the sense that they condition the entire research process. Four salient structural features of legal research in Mexico are considered here.

1. Language

It is too obvious to require stating that the primary language of 90% of the population of Mexico is Spanish. While under the Constitution, Spanish does not have official status, it is the language of government and the law. The Mexican government and legal institutions do not consider it their obligation to make Mexican primary legal sources available in English translation, as much as some in the U.S., especially practicing attorneys, might wish.

The issue then, for non-Spanish-speaking researchers, is the availability of Mexican legal materials in translation. While commercially available translations of primary Mexican law are not plentiful, this guide makes an effort to point out translations where they are available.

2. Structure of Government

The Mexican federal government is as large, complex, and highly ramified as the federal government of the U.S. This complexity has obvious implications for legal research. Components of the federal government that are authorized to issue normative enactments and other texts of interest to legal researchers extend well beyond the eighteen cabinet-level *secretarías* (departments). These include the “decentralized organs” (*organismos descentralizados*), such as the Federal Electricity Commission, the Mexican Institute of Social Security, or Telecommunications of Mexico. In addition, there are “autonomous organs” (*organismos autónomos*), such as the Bank of Mexico and the National Electoral Institute. Fortunately, the existence of a central official periodical for the publication of all kinds of legal enactments, the *Diario Oficial de la Federación*, relieves some of the difficulty of research associated with a large and complex government structure.

3. Federalism

Mexico is a federal republic. There are 31 states and a federal district. In addition, there is a third level of government, the *municipio*, which is roughly equivalent to a county in the U.S. The impact on legal research is obvious. One of the first questions the researcher must ask is: Does federal or state law (or even the law of a *municipio*) govern this issue?

Under the hegemonic party system that was in place in Mexico during most of the 20th century, there were strong centralizing forces that impaired the operation of the

federal system. With the introduction of political pluralism at the beginning of the 21st century, the centralizing trend weakened and a more vibrant federalism has asserted itself. This has important implications for legal research because it increases legal variation from state to state.¹

4. Malleability of the Constitution

The Federal Constitution of 1917 is currently in force. It is lengthy, with 136 articles. It covers subjects that go well beyond the structure and powers of government. The Constitution is malleable in the sense that it is amended frequently. The implications for research are clear. It is critical to make use of only the most current constitutional text when conducting forward-looking constitutional research in Mexico.

This guide, which is a compilation of articles by several members of the American Association of Law Libraries' Latin American Law Interest Group, covers all aspects of Mexican legal research. Its purpose is to provide a contextualized overview of how to conduct research on Mexican law—referencing applicable Spanish-language resources and highlighting any available sources in English. Organized into three main sections by general resource type, the Guide covers “Primary Sources,” “Secondary Sources,” and “Online Resources,” and then the more specific sources that fall within those categories. Thus, the section on “Primary Sources,” includes constitutions, official gazettes, compilations of legislation, administrative regulations, international agreements, and judicial decisions. “Secondary Sources” covers dictionaries and encyclopedias, treatises, textbooks, and monographs, and online law reviews. The final category of “Online Resources” includes both commercial and free collections of Mexican legal resources available on the Web.



¹ See generally, JOSÉ MARÍA SERNA DE LA GARZA, THE CONSTITUTION OF MEXICO: A CONTEXTUAL ANALYSIS 135-161 (2013).

PRIMARY SOURCES

A. National Constitution

Lyonette Louis-Jacques, University of Chicago

Mexico adopted its first constitution in 1824, but never implemented it.² On February 5, 1857, Mexico adopted a new constitution, which “consolidated judicial review around the *amparo* (habeas corpus) suit.”³ Sixty years later, on February 5, 1917, Mexico adopted its *Constitución Política de los Estados Unidos Mexicanos*, or Political Constitution of the United Mexican States. That constitution, with many amendments, remains in effect today.⁴

Texas has special ties to Mexican constitutional history. Texan Stephen A. Austin drafted a Mexican constitution and presented it to Mexican statesman, Miguel Ramos Arizpe. Arizpe then drafted an *Acta Constitutiva*, which became the framework for the 1824 Constitution. Lorenzo de Zavala, President of the Mexican Constitutional Congress in 1824, approved Arizpe’s draft, and later became the first Vice-President of the Republic of Texas.⁵ The 1824 Mexican Constitution formally applied to Texas for the time that Texas formed a part of Mexico, from 1821 until 1836.⁶

The 1917 Constitution as amended includes 136 articles and various transitory articles and reforms.⁷ Mexico has regularly amended its Constitution since 1917. According to authors Héctor Fix-Zamudio and Héctor Fix-Fierro, there have been over 350 amendments to the Mexican Federal Constitution!⁸ In contrast, the U.S. Constitution has seven articles and 27 amendments. It has only been amended once in the last 40 years. The Mexican Constitution is 156 pages long in PDF. The U.S. Constitution can fit in your pocket.⁹

² *Mexico*, in 3 LEGAL SYSTEMS OF THE WORLD: A POLITICAL, SOCIAL, AND CULTURAL ENCYCLOPEDIA 1012, 1013 (Herbert M. Kritzer ed., 2002).

³ *Id.*

⁴ Mexico celebrates the Anniversary of the Constitution on the first Monday of February pursuant to Article 74 of the Federal Labor Law. (*Ley Federal del Trabajo*, <http://www.diputados.gob.mx/LeyesBiblio/pdf/125.pdf>).

This national day of rest is in honor of the 5th of February promulgations of both the 1857 and 1917 Constitutions. (Francisco Macías, “Mexico’s Constitution and Its Square, the Zócalo,” *In Custodia Legis*, February 3, 2014, <http://blogs.loc.gov/law/2014/02/zocalo/>).

⁵ <http://www.tamu.edu/faculty/ccbn/dewitt/constit1824.htm> (uses “Arispe”); see also Watson Smith, *Influences from the United States on the Mexican Constitution of 1824*, 4 ARIZONA AND THE WEST 113-126 (1962), <http://www.jstor.org/stable/40167747>; Jorge A. Vargas, *An Introductory Lesson to Mexican Law: From Constitutions and Codes to Legal Culture and NAFTA*, 41 SAN DIEGO L. REV. 1337 (2004).

⁶ http://en.wikipedia.org/wiki/History_of_Texas; <http://tarlton.law.utexas.edu/constitutions/>.

⁷ <http://info4.juridicas.unam.mx/ijure/fed/10/>.

⁸ Héctor Fix-Zamudio & Héctor Fix-Fierro, *Mexico*, in INTERNATIONAL ENCYCLOPAEDIA OF LAWS: CONSTITUTIONAL LAW (1994).

⁹ <http://joshblackman.com/blog/wp-content/uploads/2012/10/IMAG0290.jpg>.

According to Rubens Medina, scholars call the Mexican Constitution an *operative* constitution because “it includes a number of detailed working provisions that govern distinct topics such as family relations, labor and social security, and the economy, in addition to the more traditional provisions, which focus on the Bill of Rights and the organization and assignment of powers of the State.”¹⁰

Recent reforms to the Mexican Constitution include a December 20, 2013 amendment that allows Mexico to enter into oil exploration agreements with private entities.¹¹ According to the Americas Society-Council of the Americas, this “landmark energy reform [brings] an end to a 75-year state monopoly on petroleum by opening the oil and gas industries to private investment.”¹² Mexico also passed legislation on March 21, 2013 that made access to information and communication technologies a constitutional right.¹³ In 2011, Mexico revised Article 4 of its Constitution to provide that “[e]very person has the right to adequate food.”¹⁴ Constitutional amendments in 2011 also redefined the writ of *amparo* and added references to “human rights” for the first time to the text of the Constitution.¹⁵



Paolo G. Carozza writes that “the articulation of social and economic rights in the Mexican Constitution of 1917” forms a “key intellectual moment” in the development of the “Latin American region’s strong commitment to the idea of universal human rights.”¹⁶ Researchers may ask about the *amparo* method of constitutional review set forth in Article 33 of the Mexican Constitution, as that provision has influenced constitutional review in other Latin American countries.¹⁷ “[R]ules of the Mexican *amparo* require jurisprudence to be reiterated five times before it has binding precedential effects.”¹⁸ The Mexican Supreme Court recently grappled with the issue of whether civil code provisions

¹⁰ Rubens Medina, *The Mexican Legal System*, in INTRODUCTION TO FOREIGN LEGAL SYSTEMS 83 (Richard A. Danner & Marie Louise H. Bernal eds., 1994).

¹¹ Gustavo Guerra, “Mexico: Constitutional Amendment on Energy,” GLOBAL LEGAL MONITOR, Feb. 12, 2014, http://www.loc.gov/lawweb/servlet/lloc_news?disp1_l205403863_text.

¹² <http://www.as-coa.org/articles/explainer-mexicos-2013-reforms> (“Explainer: Mexico’s 2013 Reforms”). See also an I-CONnect blog review in English of a new book on Mexican constitutional amendments from 1997-2012, *Reformar sin Mayorías*, <http://www.iconnectblog.com/2014/02/the-dynamics-of-constitutional-change-in-mexico-1997-2012-new-data-from-reformar-sin-mayorias/>.

¹³ <http://gaceta.diputados.gob.mx/PDF/62/2013/mar/20130321-III.pdf>.

¹⁴ <http://www.iconnectblog.com/2011/10/the-right-to-food-in-mexico/>.

¹⁵ José María Abascal, Rodrigo Ramón Baca Bonifaz, Aline Isabel Cárdenas Solorio, Patrick Del Duca, Ana Patricia Esquer Machado, Alonso González-Villalobos, et al., *Mexico*, 46 INT’L LAW. 583 (2012).

¹⁶ Paolo G. Carozza, *From Conquest to Constitutions: Retrieving a Latin American Tradition of the Idea of Human Rights*, 25 HUM. RTS. Q. 281 (2003).

¹⁷ Pedro Pablo Camargo, *The Claim of “Amparo” in Mexico: Constitutional Protection of Human Rights*, 6 CAL. W. L. REV. 201 (1969).

¹⁸ Ley de Amparo, Reglamentaria de los Artículos 103 y 107 de la Constitución Política de los Estados Unidos Mexicanos [LA], art. 222, Diario Oficial de la Federación [DO], 2 de Abril de 2013 (Mex.).

stating that marriage is for procreation violate the constitutional right to equality (Art. 1, Art.4).¹⁹

1. Current text

You can locate the current text of the Mexican Federal Constitution in a number of sources, but you must pay careful attention to the date of the text because of the frequency of amendment. The Chamber of Deputies (*Cámara de Diputados*) website makes available in PDF the current text of the Mexican Federal Constitution in Spanish, as amended with the latest reforms (as published in the *Diario Oficial* of June 17, 2014).²⁰ The Secretaría de Gobernación (SEGOB) Orden Jurídico Nacional website has the text of the Constitution, current as of June 17, 2014, and also allows browsing the text by article.²¹ ²² *World Constitutions Illustrated* has the consolidated text as published in the *Diario Oficial* of June 17, 2014. The Instituto de Investigaciones Jurídicas (IIJ) of the Universidad Nacional Autónoma de México (UNAM) (hereafter IIJ-UNAM) has the text of the Constitution in force as of June 17, 2014.²³ The Tribunales Agrarios have the text of the Constitution as of July 11, 2013.²⁴ The Constitution as published in the *Diario Oficial* of February 9, 2012 is available in full text via WIPOLex.²⁵ Justia México also has the Spanish text in HTML and PDF formats as amended through August 24, 2009, but it's unclear where the text is from.²⁶ The *Constitución Política* is also in vLex under "Legislación Federal Actualizada."

If you are interested in comparing Mexico's Constitution to others in the Americas and around the world, start with the Center for Latin American Studies (CLAS) at Georgetown University's Political Database of the Americas (PDBA). The PDBA also contains a *Comparative Constitutional Study = Estudio Constitucional Comparativo* (2006).²⁷ The *Study* "provides a set of constitutional articles in a comparative framework organized by over 200 substantive themes such as human rights, decentralization, separation of powers and electoral systems. Reflecting the most recent constitutional reforms, this study also offers insight into new trends such as the development of constitutional law addressing issues of non-discrimination, environmental protection, security and corruption."²⁸

The PDBA *Study* arranges norms of 20 countries of the Americas, and allows you to compare the Mexican Constitution with other constitutions, article-by-article. The *Study*

¹⁹ <http://www.iconnectblog.com/2013/01/the-surprising-cascade-of-pro-gay-marriage-decisions-in-latin-america/>.

²⁰ http://www.diputados.gob.mx/LeyesBiblio/pdf/1_170614.pdf.

²¹ <http://www.ordenjuridico.gob.mx/constitucion.php>.

²² <http://www.ordenjuridico.gob.mx/Constitucion/articulos.php>.

²³ <http://info4.juridicas.unam.mx/ijure/fed/10/>.

²⁴ http://www.tribunalesagrarios.gob.mx/wp/?page_id=794 (also 2011 referenced in Marisol Floren-Romero's section on Mexican constitutions in *Mapping the Digital Legal Information of Mexico, Central America, the Spanish-Speaking Caribbean and Haiti* at <http://conference.ifla.org/past-wlic/2011/194-floren-en.pdf>).

²⁵ <http://www.wipo.int/wipolex/en/details.jsp?id=11710>.

²⁶ <http://mexico.justia.com/federales/constitucion-politica-de-los-estados-unidos-mexicanos/>.

²⁷ <http://pdba.georgetown.edu/Comp/comparative.html>.

²⁸ <http://pdba.georgetown.edu/Constitutions/constudies.html>.

is in Spanish, except for an “Introductory Note” in English.²⁹ The *Constitute* online resource, described in more detail below, similarly enables comparison of Mexican constitutional provisions with those of up to 187 other countries by topic, but in English.³⁰ One area of comparison might be the status of treaties as the “supreme law of the land” under Article 133 of the Mexican Constitution and Article 6 of the U.S. Constitution.

2. Amendments

The Mexican government publishes its many constitutional amendments, usually as *Decretos*, in the *Diario Oficial*. IJ-UNAM’s page, “Evolución de la Constitución Política de los Estados Unidos Mexicanos,” includes links to Mexican constitutional law reforms (*decretos de reforma*) in chronological order, from July 8, 1921 to June 17, 2014.³¹ The website also includes a page of amendments by article of the Constitution.³² The page, *Leyes Federales de México*, from the Chamber of Deputies site has a link called “Reformas a la Constitución” that collects amendments in chronological order, by article of the Constitution, and by presidential period.³³ The Orden Jurídico Nacional links to a SEGOB compilation of “*decretos, declaratorios, aclaraciones y fe de erratas de reformas*” of the Federal Constitution from 1917 to 2014.³⁴ *World Constitutions Illustrated* has consolidated texts of the 1917 Constitution as amended back to 1923. It also has individual decrees and other amending laws.

3. Historical Versions

Mexico’s Orden Jurídico Nacional has a page of historical antecedent constitutional documents from 1810 to 1916.³⁵ The Biblioteca Virtual Miguel de Cervantes’ “Constituciones Hispanoamericanas”³⁶ portal includes historical constitutions from 1814 through the 2002 reforms to the 1917 Constitution.³⁷ El Colegio de México contributed digitized copies of the 1824³⁸ and 1857³⁹ Constitutions to the Cervantes digital library. HeinOnline’s *World Constitutions Illustrated* also includes historical versions of the Constitution. Library catalog searches will locate separately published historical constitutions of Mexico in Spanish and English.⁴⁰ Because of the special connection between Texas and Mexico, Tarlton Law Library’s Texas Constitutions digitization project includes the 1824 Federal Constitution of the United Mexican States (in English and Spanish).⁴¹

²⁹ <http://pdba.georgetown.edu/Comp/note.html>.

³⁰ <https://www.constituteproject.org/#/search>.

³¹ <http://www.juridicas.unam.mx/infjur/leg/constmex/>.

³² <http://www.juridicas.unam.mx/infjur/leg/constmex/hisxart.htm>.

³³ <http://www.diputados.gob.mx/LeyesBiblio/ref/cpeum.htm>.

³⁴ <http://www.ordenjuridico.gob.mx/constitucion.php>.

³⁵ <http://www.ordenjuridico.gob.mx/Constitucion/antecedentes.php>.

³⁶ <http://www.cervantesvirtual.com/bib/portal/constituciones/constituciones.shtml>.

³⁷ <http://www.cervantesvirtual.com/bib/portal/constituciones/paisca18.html?pais=Mexico&indice=constituciones>.

³⁸ <http://bib.cervantesvirtual.com/servlet/SirveObras/ecm/12252743220150495543435/index.htm>.

³⁹ <http://bib.cervantesvirtual.com/servlet/SirveObras/ecm/35716152323148053754491/index.htm>.

⁴⁰ <http://www.worldcat.org/search?q=ti%3Aconstitution+political+mexicanos&qt=advanced&dblist=638> (WorldCat).

⁴¹ <http://tarlton.law.utexas.edu/constitutions/mexican1824>.

The original, unamended text of the *Constitución Política de los Estados Unidos Mexicanos* was published in the February 5, 1917 issue of Mexico's official gazette of laws (*Diario Oficial de la Federación* del 5 de Febrero de 1917). HathiTrust and Google Books have also published separately and digitized the original texts of the 1917 Constitution.⁴² It is available as well in *World Constitutions Illustrated* and at the Orden Jurídico Nacional's website.⁴³

K.G. Saur published an *Index of North and South American Constitutions: 1850 to 2007*, which lists citations to original sources in Spanish (and some English translations) of Mexico's national constitutions beginning at page 252: Republic of United Mexican States (1823-1864); Mexican Empire (1864-1867); and Republic of United Mexican States since 1867. It includes citations to texts of Mexico's sub-national constitutions at pages 260-361. Besides the Saur *Index*, there is also a full-text set by De Gruyter titled



Documentos Constitucionales de México 1814-1849 (Sebastian Dorsch ed., 2010-2013) (Constitutions of the World from the late 18th Century to the Middle of the 19th Century. America; v. 9 = Verfassungen der Welt vom späten 18. Jahrhundert bis Mitte des 19. Jahrhunderts. Amerika; Bd. 9).

4. English Translations

IIJ-UNAM makes available at its website the 2005 English translation by Carlos Pérez Vázquez of the Mexican Constitution as amended through July 28, 2004.⁴⁴ The Comparative Constitutions Project's *Constitute: The World's Constitutions to Read, Search and Compare*⁴⁵ also makes the Constitution (in a translation from Oxford University Press) freely available in HTML and PDF, as *Mexico's Constitution of 1917 with Amendments through 2007*.⁴⁶ You can locate earlier texts of the Constitution in English translation as amended through July 29, 2010 in *Constitutions of the Countries of the World* (print) and Oxford Constitutions of the World (online).⁴⁷ These sources include translations of earlier amended texts of the Mexican Constitution. *World Constitutions Illustrated* (via HeinOnline) includes English versions of the Mexican Constitution, current to 2014.⁴⁸ The *Foreign Law Guide* (Marci Hoffman ed., Leiden: Brill, 2012-) lists additional sources of Mexican constitutional texts.

You can find the original text of the Mexican Constitution of 1917 in English translation in *Constitutions That Made History* (Albert P. Blaustein & Jay A. Sigler, 1988). *World Constitutions Illustrated* includes translations from the *British and Foreign State Papers* (1921), Andrew (1931), Branch (1917), Dail Eireann (1922), and Martin (1923). The Branch text, as published in the *Annals of the Academy of Political and Social*

⁴² <http://hdl.handle.net/2027/mdp.35112105484721>.

⁴³ <http://www.ordenjuridico.gob.mx/Constitucion/1917.pdf>.

⁴⁴ <http://www.juridicas.unam.mx/infjur/leg/constmex/pdf/consting.pdf> (156 pp.).

⁴⁵ <https://www.constituteproject.org/#/>.

⁴⁶ https://www.constituteproject.org/constitution/Mexico_2007.pdf.

⁴⁷ <http://oxcon.oup.com/>.

⁴⁸ <http://heinonline.org/HOL/Page?handle=hein.cow/zzmx0139&collection=cow#1>.

Science (H.N. Branch trans., v.71-72 May-July 1917, Suppl.1), compares the Mexican Constitution of 1917 with the Constitution of 1857.⁴⁹

University of Richmond's "Constitution Finder" links to the text of the Mexican Constitution as amended through October 11, 1966 in English translation. It's from the Organization of American States (OAS) website and originates from a 1967 book, *Constitución Política de los Estados Unidos Mexicanos*, Trigésima Quinta Edición.⁵⁰ This translation was also published in the 1968 Pan American Union publication, *Constitution of Mexico, 1917, As Amended*.

B. Constitutional History

Lyonette Louis-Jacques, University of Chicago

For quick background information on Mexican constitutional history, read Francisco Macías' posts on the Law Library of Congress' *In Custodia Legis* blog, with the titles "The History of the Mexican Constitution" (February 24, 2011)⁵¹ and "Mexico's Constitution and Its Square, the Zócalo" (February 3, 2014).⁵² *Mexico: A Country Study* (Tim L. Merrill and Ramón Miró eds., 1996) also provides a brief history of Mexico's constitutions.⁵³ For a detailed history of Mexico's constitutions, check the Chamber of Deputies' *Derechos del Pueblo Mexicano: México a través de sus Constituciones* (8th ed. 2012) (7 vol., including a digital edition).⁵⁴

IJJ-UNAM has a "Documentos Constitucionales Históricos" page that compiles resources, such as the 1824 and 1857 Constitutions and other constitutional laws and texts.⁵⁵ SEGOB's "Conmemoración del Centenario de la Constitución Política de los Estados Unidos Mexicanos, 2013-2017" page includes historical texts, such as a PDF image of the 1917 Federal Constitution as originally published in the *Diario Oficial*, and 1916-1917 documents of the Congreso Constituyente.⁵⁶

C. State Constitutions

Lyonette Louis-Jacques, University of Chicago

The Orden Jurídico Nacional has the constitutions of the Mexican states in alphabetical order from Aguascalientes to Zacatecas.⁵⁷ IJJ-UNAM's "Constituciones de las Entidades Federativas"⁵⁸ and Justia México provide links to the full texts of the

⁴⁹ <http://hdl.handle.net/2027/mdp.39015060447045> (page 526). The Wikipedia article on the "Constitution of Mexico" includes a handy table of contents with English translations of the articles, as well as handy background information. http://en.wikipedia.org/wiki/Constitution_of_Mexico.

⁵⁰ http://www.oas.org/juridico/mla/en/mex/en_mex-int-text-const.pdf.

⁵¹ <http://blogs.loc.gov/law/2011/02/the-history-of-the-mexican-constitution/>.

⁵² <http://blogs.loc.gov/law/2014/02/zocalo/>.

⁵³ <http://countrystudies.us/mexico/>.

⁵⁴ <http://maporrua.com.mx/p-4834-derechos-del-pueblo-mexicano.aspx>.

⁵⁵ <http://www.juridicas.unam.mx/infjur/leg/conshist/>.

⁵⁶ <http://ordenjuridico.gob.mx/Noticias/2013/conmemoracion/conmemoracion.php>.

⁵⁷ <http://www.ordenjuridico.gob.mx/constitucionEdo.php>.

⁵⁸ <http://www.juridicas.unam.mx/infjur/leg/ConstEstados/>.

“*constituciones estatales*” in Spanish for each Mexican state.⁵⁹ The PDBA includes links to full texts of Mexico’s federal and state constitutions in Spanish.⁶⁰

1. Constitutional Commentary

Other books on Mexican constitutional law may be located by using the Library of Congress Subject Headings:

- Constitutional conventions – Mexico
- Constitutional history – Mexico
- Constitutional law – Mexico
- Mexico – Constitutional law
- Mexico – Constitutional law – Amendments
- Mexico – Politics and government

José María Serna de la Garza recently authored an English-language book-length commentary on the Mexican Federal Constitution, *The Constitution of Mexico: A Contextual Analysis* (2013). A quick overview of Mexico and its Constitution is contained in the second volume of the *Encyclopedia of World Constitutions* (Gerhard Robbers ed., 2007). Jorge A. Vargas has a section on the “Constitution of Mexico” in *Mexican Law: A Treatise for Legal Practitioners and International Investors* (1998-2001). David Lopez includes a section on the Mexican Constitution in his “The Legal System of Mexico” chapter in *Modern Legal Systems Cyclopedia* (Kenneth Robert Redden ed., 2000). An older work is Héctor Fix-Zamudio and Héctor Fix-Fierro’s “Mexico” chapter in the *International Encyclopaedia of Laws: Constitutional Law* (1994). It’s 94 pages long and includes a selected bibliography. HeinOnline’s *World Constitutions Illustrated* also includes a bibliography of selected texts about the Mexican Constitution.

It is worthwhile to also perform searches by region. Mexico is in North America, but it is sometimes included in works on constitutions of the Americas/Latin/South/Ibero-America. For example, there is a section on “Mexico 1917: Constitution & Presence” in Roberto Gargarella’s *Latin American Constitutionalism, 1810-2010: The Engine Room of the Constitution* (2013). Also consider searching by article number or subject to find books on specific provisions of the Mexican Constitution.

To locate books containing the text of the Mexican Constitution(s), search by “Mexico” as author and Uniform Title “Constitución.” A date can be specified (1824 or 1857 or 1917), along with the language (English). Thus, for books containing English translations of the Mexican Federal Constitution of 1824, the search would be: **Mexico. Constitución (1824). English.** For books about Mexican Constitutions, a subject search may be conducted for: **Constitutions – Mexico** or **Mexico – Constitution.** For books on specific constitutions, include the name of the constitution in the subject heading. For example: **Mexico – Constitución política (1917)** or **Mexico – Constitución federal (1824).**

For other books, check WorldCat and other library catalogs, as well as Google Books. Consider searching Mexican library catalogs, and the catalogs of U.S. libraries with strong Mexican law collections, such as the University of Texas at Austin’s Tarlton

⁵⁹ <http://mexico.justia.com/estados/> (“*constitución estatal*”).

⁶⁰ <http://pdba.georgetown.edu/Constitutions/Mexico/mexico.html> (page updated through July 11, 2011).

Law Library and SALALM (Seminar on the Acquisition of Latin American Library Materials) libraries.⁶¹ Selected books include *Estudios de Derecho Constitucional* (Miguel de la Madrid Hurtado, 3d ed. 1986), *El Derecho Angloamericano* (Oscar Rabasa, 2d ed. 1982), and *Apuntamientos para el Estudio del Derecho Constitucional Mexicano* (José María Del Castillo Velasco, various editions).

The “Biblioteca Jurídica Virtual” (BJV)⁶² of IJJ-UNAM includes links to over 600 constitutional law-related books, including those containing primary law materials.⁶³ The BJV also has full texts of *Cuestiones Constitucionales* (1999-2013),⁶⁴ *Anuario de Derecho Constitucional Latinoamericano* (2001-2012),⁶⁵ and *Teoría y Realidad Constitucional* (1998-2008).⁶⁶ See also IJJ-UNAM’s “Red de Revistas en Derecho Constitucional” (Constitutional Law Journals Network).⁶⁷ For other constitutional law-related journal articles in Spanish and English, check the *Index to Foreign Legal Periodicals* and other journal indexes, as well as Google Scholar. To keep up-to-date with constitutional developments in Mexico, check sources such as the Law Library of Congress’ *Global Legal Monitor*,⁶⁸ I-CONnect Blog⁶⁹ (*International Journal of Constitutional Law* and ConstitutionMaking.org), and the ABA Section of International Law Mexico Committee’s *Mexico Update*.⁷⁰



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⁶⁴ <http://biblio.juridicas.unam.mx/revista/CuestionesConstitucionales/>.

⁶⁵ <http://www.juridicas.unam.mx/publica/rev/cont.htm?r=dconstla>.

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⁶⁷ <http://www.revistasconstitucionales.unam.mx/>.

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⁷⁰ <http://apps.americanbar.org/dch/committee.cfm?com=IC845000>.

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D. Legislative Process

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The legislative branch of the federal government is the Congress (*Congreso General* or *Congreso de la Unión*). The Congress is comprised of the Chamber of Deputies (*Cámara de Diputados*) and the Senate (*Senado*).⁷¹ The Chamber of Deputies has 500 members,⁷² 300 of whom are elected by relative majority,⁷³ with the remaining 200 elected by proportional representation.⁷⁴ Representatives serve a three-year term.⁷⁵ The Senate is composed of 128 senators.⁷⁶ Two senators from each of the 31 states and the Federal District are elected by relative majority.⁷⁷ An additional 64 are elected through proportional representation.⁷⁸ Senators are elected by direct popular vote, and serve a six-year term.⁷⁹ An amendment to the Constitution in 2014 permits consecutive re-election to both houses of Congress.⁸⁰

Congress meets in a first regular session that usually begins September 1 and usually lasts until December 15. A second regular session runs from February 1 to April 30.⁸¹ When Congress is in recess, a Permanent Commission (*Comisión Permanente*) sits.⁸² It has the authority to call special sessions of Congress.⁸³

For most of the 20th century, politics and government in Mexico were dominated by a powerful President, a system known as *presidencialismo*. The democratization of Mexican government, which reached fruition with the election in 2000 of a President from an opposition party, has elevated both Congress and the Supreme Court while diminishing somewhat the power of the President. Successful lawmaking in Mexico today is the product of a complex process of coalition building.⁸⁴

⁷¹ Constitución Política de los Estados Unidos Mexicanos [C.P.], as amended, art. 50, Diario Oficial de la Federación [DO], 5 de Febrero de 1917 (Mex.).

⁷² C.P. art. 52.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ C.P. art. 51.

⁷⁶ C.P. art. 56.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ C.P. art. 59.

⁸¹ C.P. arts. 65 and 66.

⁸² C.P. art. 78.

⁸³ C.P. art. 78(IV).

⁸⁴ See generally, Serna de la Garza, *supra* note 1, at 62-64.

The power to introduce legislation (*iniciativa legislativa*) is distributed among the President, Deputies, Senators, state legislatures, and even citizens when a numerical threshold is met.⁸⁵ Bills dealing with government loans, taxes, and troop recruitment must originate in the Chamber of Deputies.⁸⁶ Introduced bills (*proyectos*) are referred to congressional committees for study. Committees produce reports (*dictámenes*) on proposed legislation. Committee reports are published in the Parliamentary Gazette (*Gaceta Parlamentaria*) for the Chamber of Deputies and in the Gazette of the Senate (*Gaceta del Senado*). The gazettes are available on the websites of the Chamber of Deputies⁸⁷ and the Senate.⁸⁸



Bills must pass both chambers by a majority vote. Once a bill is passed, it is sent to the President for promulgation and publication.⁸⁹ Although the President has the power of veto, it is seldom exercised. In the rare event of a presidential veto, the Congress can override the veto by a two-thirds vote in both chambers.⁹⁰ If 30 days elapse without any action on a bill by the President, it will be considered approved.⁹¹ The new law is then published in the official government gazette, the *Diario Oficial de la Federación*. For framework legislation (*ley marco* or *ley cuadro*), the President subsequently issues and publishes regulations (*reglamentos*) that serve to amplify or supplement the law.

The official websites of the two chambers provide a wealth of free information and resources on Mexican law. The sites are up-to-date, well maintained and offer basic search functions. Both are in Spanish. The official website of the Senate contains profiles on Senators, committee information and reports, voting records, records of proceedings, transcripts of debates and a database of laws and decrees approved in the Senate.⁹² The official website of the Chamber of Deputies provides profiles on individual representatives, committee information and reports, voting records, records of proceedings and transcripts of debates. The site also links to current and repealed federal laws, the current Constitution, regulations, an index to the *Diario Oficial*, and state laws.⁹³

E. Diario Oficial de la Federación

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At the time of the declaration of independence, September 28, 1821, and promulgation of the first constitution as a Federal Republic, on October 4, 1824, the

⁸⁵ C.P. art. 71

⁸⁶ C.P. art. 72(H).

⁸⁷ <http://gaceta.diputados.gob.mx>.

⁸⁸ <http://www.senado.gob.mx/index.php?ver=sp&mn=2&sm=1>.

⁸⁹ C.P. art. 72(A).

⁹⁰ C.P. art. 72(C).

⁹¹ C.P. art. 72(B).

⁹² <http://www.senado.gob.mx>.

⁹³ <http://www.diputados.gob.mx>.

official publication bore the name of *Gaceta del Supremo Gobierno de la Federación Mexicana*. The 1824 Constitution granted the Executive the legal capacity to sanction and publish the laws.

From 1824 and all through the 19th century to 1917, as a reflection of the political instability that the country was experiencing, each political group that came into power proceeded to rename the official journal. Among the several names that were adopted were: *Gaceta del Supremo Gobierno de la Federación Mexicana*, *Diario Liberal de México*, *Gaceta Diaria de México*, *Gaceta del Gobierno Supremo de la Federación Mexicana*, *Correo de la Federación Mexicana y Repertorio Mexicano*, and *Registro Oficial del Gobierno de los Estados Unidos Mexicanos*. Moreover, during the formative period of the Mexican state, the official periodical was an itinerant journal in the sense that it was published in several places. The best example of itinerancy is *El Constitucionalista* (1913-1916), which was published during the early phase of the Mexican Revolution in Hermosillo (1913), Ciudad Juárez (April 1914), Monterrey (July 1914), Veracruz (November 1914), and Mexico City (August 1914, October 1915-June 16, 1916).⁹⁴

The 1917 Mexican Constitution has rules on the promulgation of the laws, granting in Article 89 to the Executive the authority to promulgate the laws enacted by Congress. Article 27 of the *Ley Orgánica de la Administración Pública Federal* instructs the Secretaría de Gobernación to publish the laws and decrees issued by the Congress of the Union, any of the two Houses, and the President of the Republic, and to administer and publish the *Diario Oficial de la Federación*. Article 3, first sentence of the Federal Civil Code says: "Laws, regulations, circulars or any other dispositions of general observance are obligatory and take effect three days after their publication in the official periodical." With the promulgation of the *Ley del Diario Oficial de la Federación y Gacetas Gubernamentales*, of March 24, 1987, the official gazette adopted its current name: *Diario Oficial de la Federación. Órgano del Gobierno Constitucional de los Estados Unidos Mexicanos*.⁹⁵

The *Diario Oficial de la Federación (DOF)* is a daily publication. It's published simultaneously in print and electronic formats. The electronic edition, which is available at <http://dof.gob.mx/>, has the same characteristics and content as the printed copy and has the same official status. Since July 5, 2012, the electronic edition of the official gazette is authenticated through advanced electronic signature in PDF format.

Indexes of the *Diario Oficial* are available from 1917 to date in JPG format and can be downloaded as PDFs. The digital images of the full content of the *Diario Oficial* are available in different simultaneous formats, as JPGs since 1990; in PDF since 1926; and currently in HTML and Word formats. Advanced searches can be performed allowing searching by keywords in the indexes, by range of dates not larger than ten years, and by government offices. IIJ-UNAM, under "Legislación y Jurisprudencia--Legislación Federal," makes the indexes of the *Diario Oficial* available since January 2000 to date, in chronological order by date of publication.

⁹⁴ See Roberto Vargas S. *Breve Historia y Cronología del Diario Oficial de la Federación*, BOLETÍN DEL INSTITUTO DE INVESTIGACIONES BIBLIOGRÁFICAS, No. 12, enero-diciembre, 1975, 243-275.

⁹⁵ *Breve Historia del Periódico Oficial en México*, <http://dof.gob.mx/historia.php>; *Cronología de los Periódicos Oficiales de México*, http://dof.gob.mx/historia_cronologia.php; see also *Cronología de los Periódicos Oficiales de México – DOF*, http://www.dof.gob.mx/historia_cronologia.php.

F. State Gazettes

Marisol Floren-Romero, Florida International University

Orden Jurídico Nacional, the government portal published by the Secretaría de la Gobernación, allows access through a single page to the webpages of the digital official gazettes of the different Mexican states.⁹⁶ The official gazettes of the Mexican states are listed below in alphabetical order by state.

Aguascalientes

Periódico Oficial del Estado de Aguascalientes, 1915 -

<http://eservicios.aguascalientes.gob.mx/servicios/periodicooficial2009/>

The *Periódico Oficial* is published ordinarily every Monday, by the Secretaría de Gobierno del Estado de Aguascalientes. It contains laws, regulations, decrees and agreements issued by congress; decrees, regulations and resolutions of the executive and its agencies; circulars and administrative orders of the executive and its agencies; agreements and conventions concluded by the state; and regulations and agreements issued by the state judicial branch affecting individuals or of general interest.⁹⁷

The digital edition of the official gazette is accessible from January 2000 to date. No advanced search function is available. The files are in chronological order by date of publication in PDF format. The digital version has no legal effect; it is only for purposes of consultation.⁹⁸

Baja California

Periódico Oficial del Estado de Baja California, 1888 -

http://www.bajacalifornia.gob.mx/portal/gobierno/periodico_indice.jsp

The *Periódico Oficial* contains the laws, decrees, initiatives to Congress and agreements issued by the state congress; decrees, regulations and resolutions of the executive; agreements of general interest issued by the plenary of the supreme court of the state; decrees, regulations, budgets and other agreements of the municipalities; agreements and circulars of the state government agencies; and the agreements concluded by the government of the state of Baja California.

The official gazette is made electronically available from 1915 to date, in chronological order by date of publication. Files are in PDF format. The publication's website allows searching by keywords in the summary of the indexes and by date.⁹⁹ The digital version of the *Periódico Oficial* has no legal effect.

⁹⁶ Orden Jurídico Nacional, *Diarios, Periódicos, Gacetas y Boletines Oficiales*, <http://www.ordenjuridico.gob.mx/enlaces.php?a=diarios>.

⁹⁷ Ley del Periódico Oficial del Estado de Aguascalientes [LPOEA], Decreto No. 73, 28 de Julio de 2005, Periódico Oficial del Estado de Aguascalientes (POEA), 29 de Agosto de 2005, <http://mexico.justia.com/estados/ags/leyes/ley-del-periodico-oficial-del-estado-de-aguascalientes/>.

⁹⁸ Reglamento de la Ley del Periódico Oficial del Estado de Aguascalientes [RLPOEA], *as amended*, Periódico Oficial del Estado de Aguascalientes [POEA], 26 de Mayo de 2008, http://www.aguascalientes.gob.mx/gobierno/leyes/leyes_PDF/12022010_134957.pdf.

⁹⁹ Ley del Periódico Oficial de Baja California [LPOBC], Periódico Oficial del Estado de Baja California [POEBC], 10 de Noviembre de 1992, <http://www.tijuana.gob.mx/Leyes/pdf2011/leyes/Leyperio.pdf>.

Baja California Sur

Boletín Oficial del Estado de Baja California Sur, 1893 -

http://secfm.bcs.gob.mx/finanzas/index.php?option=com_jdownloads&Itemid=916&view=viewcategories

Three issues of the *Boletín Oficial* are published each month. The *Boletín* contains laws and decrees issued by the state congress; decrees, regulations, circulars, agreements and orders of general interest of the branches of government and their agencies; and decrees, regulations, circulars, agreements and orders of general interest of the municipalities.

The digital edition of the official gazette is available from 1975 to date, in chronological order; the files are in PDF format. The electronic version has no legal effect; it is only for purposes of consultation.¹⁰⁰

Campeche

Periódico Oficial del Estado, Órgano del Gobierno Constitucional del Estado de Campeche, 1926 -

Laws, decrees, regulations, agreements, circulars, orders and other acts issued by the governor of the state and state government agencies; regulations, agreements and resolutions issued by the supreme court of the state; and regulations and other agreements of general interest, including expenditure and budgets issued by the municipalities published in the *Periódico Oficial*, take legal effect and should be applied and duly observed.¹⁰¹ The official gazette of the state of Campeche has no digital edition.

Coahuila

Periódico Oficial del Estado de Coahuila de Zaragoza, 1860 -

<http://periodico.sfpcoahuila.gob.mx/default.php>

The *Periódico Oficial* is published by the Secretaría de Gobierno of the state of Coahuila. The ordinary edition is published biweekly. It contains laws and decrees issued by the legislature of the state, and decrees and resolutions issued by the state executive. All laws enacted by the governor, and regulations, decrees and circulars issued, shall be countersigned by the secretary of state and the heads of the different government agencies to which the matter pertains to have legal effect.¹⁰²

Summaries of the *Periódico Oficial* are accessible in electronic format from 1981 to date, and the full text from December 2005 to date. Documents can be retrieved searching by

¹⁰⁰ Ley del Boletín Oficial del Gobierno del Estado de Baja California Sur [LBOGEB], Boletín Oficial del Gobierno del Estado de Baja California Sur [BOGEB], 30 de Septiembre de 2009, http://www.cbcs.gob.mx/index.php?option=com_content&id=2097&.

¹⁰¹ Ley Reglamentaria del Periódico Oficial del Estado de Campeche [LRPOEC], *as amended*, Periódico Oficial del Estado de Campeche [POEC], 25 de Mayo de 2001, <http://campeche.inea.gob.mx/transp/ley8.pdf>.

¹⁰² Ley Orgánica de la Administración Pública del Estado de Coahuila de Zaragoza [LOAPECZ], Decreto No. 547, *as amended*, Periódico Oficial del Estado de Coahuila de Zaragoza [POECZ], 30 de Noviembre de 2011, <http://www.juridicas.unam.mx/publica/librev/rev/gac/cont/2/leg/leg8.pdf>.

type of document, exact date, volume and number of issue, as well as keywords contained in the summaries.

Colima

Estado de Colima, Periódico Oficial del Gobierno Constitucional, 1867 -

<http://www.colima-estado.gob.mx/periodico/indexperi.php>

The *Periódico Oficial* is published weekly by the Secretaría General del Gobierno del Estado. It contains laws and decrees issued by the state congress; decrees, regulations, agreements, circulars and administrative orders of the executive and its agencies; agreements and conventions established by the state of Colima, and acts and resolutions of the municipalities.

The *Periódico Oficial* is accessible in digital format from November 1997 to date in chronological order. Advanced searches can be performed by keywords in the title or the summaries of the laws, by government agency, volume, number and date of the issue. From the summaries, there is a link to the full text of the laws in PDF format. The digital edition of the *Periódico Oficial* has no legal effect.¹⁰³

Chiapas

Periódico Oficial del Estado de Chiapas, 1884 -

<http://www.sgg.chiapas.gob.mx/periodicooficial>

<http://www.haciendachiapas.gob.mx/marco-juridico/Estatal/Periodico.asp>

The *Periódico Oficial* is available in electronic format on the webpage of the Secretaría General of the government of Chiapas from 2006 to date, and on the webpage of the Secretaría de Hacienda from 2004 to present in PDF format. The digital edition has no legal effect. It is understood that the law is promulgated when published in the official gazette.¹⁰⁴

Chihuahua

Periódico Oficial del Estado de Chihuahua, 1880 -

http://www.chihuahua.gob.mx/principal/canal.asp?cve_canal=48

The state of Chihuahua's official gazette is published biweekly by the state printing press, under the Secretaría de Finanzas y Administración. The gazette contains laws and decrees issued by the state congress; regulations, agreements, circulars and administrative orders of the state executive; agreements of general interest issued by the plenum of the supreme court of the state; regulations and agreements of general interest issued by the municipalities; and agreements entered into by the state executive with the other branches of government, other federal entities, with the municipalities or the social and private sectors.

¹⁰³ Ley del Periódico Oficial del Estado de Colima [LPOEC], Decreto No. 121, Periódico Oficial "El Estado de Colima" [POEC], 16 de Octubre de 2004, <http://docs.mexico.justia.com.s3.amazonaws.com/estatales/colima/ley-del-periodico-oficial-del-estado-de-colima.pdf>.

¹⁰⁴ Código Civil del Estado de Chiapas [CCEC], *as amended*, Periódico Oficial Estado de Chiapas [POEC], 2 de Febrero de 1938, <http://www.inifech.gob.mx/admin/MarcoJuridico/Estatal/Codigo/14461400.pdf>.

The *Periódico Oficial* can be accessed electronically from 2005 to date, in PDF format. The files are organized chronologically by date of publication. The site does not provide for advanced searching. The digital edition has no legal effect.¹⁰⁵

Distrito Federal

Gaceta Oficial del Distrito Federal, 1945 -

<http://www.df.gob.mx/index.php/gaceta-oficial>

<http://www.consejeria.df.gob.mx/index.php/gaceta>

Established in 1945, the *Gaceta Oficial* contains laws, decrees, regulations, agreements, and circulars arising from the Federal District government bodies.¹⁰⁶ It is published by the Consejería Jurídica y Servicios Legales del Distrito Federal. Summaries and the full text of the laws are searchable by date, issue number, and keywords, from 1998 to date in HTML and PDF formats.

Durango

Periódico Oficial del Gobierno Constitucional del Estado de Durango, 1877 -

http://www.durango.gob.mx/es/periodico_oficial/

The *Periódico Oficial* is published by the Secretaría General del Gobierno. The official gazette contains laws and decrees issued by the state congress; administrative decrees, regulations, agreements, circulars and administrative orders of the state executive; resolutions issued by the supreme court of the state; regulations and agreements issued by the municipalities, which are of general interest; and agreements entered into by the state executive with the other branches of government, other federal entities, with the municipalities or the social and private sectors.

The electronic version of the official gazette is accessible from 2004 to date, in chronological order by date of publication in PDF format. No advanced search function is provided to retrieve the full text of the laws. The digital edition has no legal effect.¹⁰⁷



Guanajuato

Periódico Oficial del Gobierno del Estado de Guanajuato, 1877-1913; 1915 -

<http://periodico.guanajuato.gob.mx/>

The *Periódico Oficial* is published by the Secretaría de Gobierno. The electronic version begins in January 2002, in PDF format. The *Periódico Oficial* can be searched in

¹⁰⁵ Ley del Periódico Oficial del Estado de Chihuahua [LPOEC], Decreto No. 313-08 III P.E., Periódico Oficial del Estado [POE], 22 de Agosto de 2009,

<http://docs.mexico.justia.com.s3.amazonaws.com/estatales/chihuahua/ley-del-periodico-oficial-del-estado-de-chihuahua.pdf>.

¹⁰⁶ Gaceta Oficial del Distrito Federal: Marco Jurídico,

http://www.consejeria.df.gob.mx/portal_old/portal_detalle.php?contenido=Mzkz&direccion=Mw==&

¹⁰⁷ Ley del Periódico Oficial del Gobierno del Estado de Durango [LPOGED], *as amended*, Periódico Oficial del Gobierno del Estado de Durango [POED], 2 de Marzo de 2012,

<http://congresodurango.gob.mx/Leyes/periodico.pdf>.

chronological order, by issue number, government agency, type of document, date range and by subject.

Guerrero

Periódico Oficial del Gobierno del Estado de Guerrero, 1870 -

<http://periodicooficial.guerrero.gob.mx/>

The *Periódico Oficial* contains laws, decrees, regulations, agreements, circulars, and orders and other acts issued by the state authorities in their respective areas of competence. Guerrero's official gazette is accessible in electronic format full text from 2006 to date. Summaries of the laws can be searched from 1987 to date. The electronic version has no legal effect.

Hidalgo

Periódico Oficial del Gobierno del Estado de Hidalgo, 1868 -

<http://s-gobierno.hidalgo.gob.mx/index.php?option=content&task=view&id=68>

The *Periódico Oficial* is published weekly. It contains laws, decrees, regulations, agreements, circulars, notifications, notices and other documents issued by the state authorities in their respective areas of competence, as well as the laws and decrees of federal and municipal character.¹⁰⁸ Only summaries of the laws are accessible in electronic format from 2005 to date.

Jalisco

Periódico Oficial del Estado de Jalisco, 1872 -

<http://periodicooficial.jalisco.gob.mx/index.html>

The *Periódico Oficial* is published by the Secretaría General de Gobierno del Estado de Jalisco, three times per week. It contains laws and decrees passed by the state legislature; decrees, regulations, agreements and orders issued by the state executive; agreements of the supreme court of the state, and judicial notices.¹⁰⁹ It's accessible in electronic format from 2001 to date, in chronological order and by keywords in the summaries. Search results are provided as summaries in HTML format, with a link to the full text of the documents in PDF format. The electronic version of the *Periódico Oficial* is solely for purposes of consultation and has no legal effect.



México

Periódico Oficial “Gaceta del Gobierno” del Estado de México, 1889 -

<http://www.edomex.gob.mx/portal/page/portal/legistel/gaceta-de-gobierno>

¹⁰⁸ Ley del Periódico Oficial del Estado de Hidalgo [LPOEH], Periódico Oficial del Estado de Hidalgo [POEH], 10 de Marzo de 2008, <http://docs.mexico.justia.com.s3.amazonaws.com/estatales/hidalgo/ley-del-periodico-oficial-del-estado-de-hidalgo.pdf>.

¹⁰⁹ Ley del Periódico Oficial “El Estado de Jalisco” [LPOEJ], Decreto No. 18532, Periódico Oficial del Estado de Jalisco [POEJ], 18 de Septiembre de 2000, <http://periodicooficial.jalisco.gob.mx/ley/leyper.pdf>.

The *Periódico Oficial “Gaceta del Gobierno”* includes laws, decrees, regulations, agreements, notices and other general provisions of the branches of government, autonomous bodies and municipalities. The state of México’s official gazette is accessible in electronic format full text from 2001 to date on the website of the Secretaría General de Gobierno. The General Secretariat of the State has developed a database “Legistel” for laws, regulations, decrees and agreements of the state of México, although the website does not offer an advanced search function.

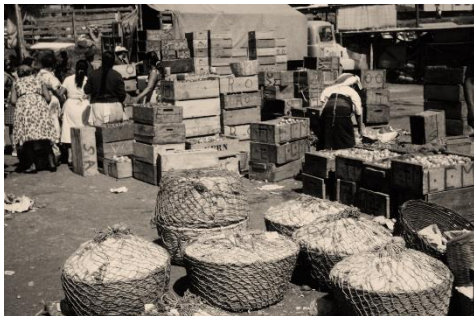
Michoacán

Periódico Oficial del Estado de Michoacán de Ocampo, 1893 -

<http://www.michoacan.gob.mx/index.php/temas/leyes-y-justicia/periodico-oficial-del-estado>

The official gazette of the state of Michoacán is issued five times a week by the Secretaría de Gobernación. Laws, decrees, regulations, agreements, circulars, orders and other provisions issued by the authorities of the state or the municipalities are subject to mandatory publication in the official gazette to ensure that they are observed and properly applied.¹¹⁰

The *Periódico Oficial* is accessible in electronic format from March 2002 to date, in chronological order by date of publication, in PDF format. An advanced search mechanism is provided on the website, allowing for searches by keywords.



Morelos

Periódico Oficial “Tierra y Libertad” del Estado de Morelos, 1927 -

<http://periodico.morelos.gob.mx/indices.php>

The official gazette of the state of Morelos “*Tierra y Libertad*” is published by the Secretaría de Gobierno, once a week. It contains laws, regulations and decrees issued by the state

congress; regulations, decrees, circulars or any other provisions issued by the executive branch of the state or by government agencies; agreements, circulars and other provisions issued by the federal government; treaties and conventions signed by the state with the federation, other states or municipalities; resolutions, agreements, circulars and other provisions of public interest issued by the judiciary; and regulations, circulars and other provisions issued by the municipalities of the state.¹¹¹

The summaries in “*Tierra y Libertad*” can be accessed in electronic format from 1976 to 2012. The full text can be searched by keywords from 2000 to date, in PDF format.

¹¹⁰ Ley del Periódico Oficial del Estado de Michoacán de Ocampo [LPOEMO], Decreto No. 7, 24 de Mayo de 2005, Periódico Oficial [POEMO], 6 de Junio de 2005, http://transparencia.congresomich.gob.mx/media/documentos/trabajo_legislativo/LEY_DEL_PERIODICO_OFICIAL_DEL_ESTADO_DE_MICHOACAN_DE_OCAMPO.pdf.

¹¹¹ Reglamento del Periódico Oficial para el Estado de Morelos, 15 de Septiembre de 2004, http://www.transparenciamorelos.mx/sites/default/files/Reg00332_1.pdf.

Nayarit

Periódico Oficial del Estado de Nayarit, 1877 -

http://www.sqgnay.gob.mx/periodico_oficial/

The official gazette of the state of Nayarit is published twice a week by the Secretaría General de Gobierno. The *Periódico Oficial* contains laws, decrees, regulations, agreements, orders and other acts issued by the state powers.¹¹²

The official gazette in digital format can be accessed full text by date, from December 2003 to date, in PDF format; also advanced searching is provided by keywords in the title, type of document, by government units, as well as the date and volume of the issue. The electronic edition has no legal effect.

Nuevo León

Periódico Oficial del Estado de Nuevo León, 1826 -

http://www.nl.gob.mx/?P=periodico_oficial

The state of Nuevo León's official gazette is published by the Secretaría General de Gobierno, three times a week. It contains laws and decrees issued by the congress of the state; agreements, decrees and regulations of the executive; agreements and circulars of state government agencies; agreements of public interest issued by the state judicial branch; and regulations and agreements issued by state municipalities.¹¹³

The summaries and full text of the *Periódico Oficial* in electronic format are accessible from 2002 to date, in PDF format. The digital version has no legal effect.

Oaxaca

Periódico Oficial Gobierno del Estado de Oaxaca, 1918 -

<http://www.periodicooficial.oaxaca.gob.mx/index.php>

The official gazette of the state of Oaxaca is published by the Consejería Jurídica of Oaxaca. The *Periódico Oficial* contains laws, decrees, regulations, agreements, and other provisions issued by the authorities of the state. Laws, regulations, circulars, or any other general provisions, produce legal effect from the date of their publication in the official gazette of the state.¹¹⁴ The digital edition can be accessed in PDF format from December 2010 to date, by date of publication, keywords in summaries, type of document, and government unit that issued the norm.

¹¹² Ley del Periódico Oficial del Estado de Nayarit [LPOEN], Decreto N. 8498, *as amended*, Periódico Oficial [POEN], 10 de Diciembre de 2003.

¹¹³ Ley del Periódico Oficial del Estado de Nuevo León [LPOENL], Decreto No. 244, *as amended*, Periódico Oficial [POENL], 10 de Julio de 1996, http://www.hcnl.gob.mx/trabajo_legislativo/leyes/pdf/90.pdf; for the history and evolution of the official gazette of Nuevo León see ERASMO TORRES LÓPEZ, EL PERIÓDICO OFICIAL DE NUEVO LEÓN. UN PERIÓDICO CON 175 AÑOS DE VIDA (Archivo General del Estado, 2001); and *Historia y Evolución Gráfica del Periódico Oficial*, http://www.nl.gob.mx/?P=poe_historia.

¹¹⁴ Código Civil del Estado de Oaxaca [CCEO] [Civil Code of the State of Oaxaca], *as amended*, 25 de Noviembre de 1944.

Puebla

Periódico Oficial del Estado de Puebla, 1847 -

The official gazette of the state of Puebla is published by the Secretaría General. The *Periódico Oficial* contains laws and decrees issued by the congress of the state and enacted by the executive; regulations, decrees and resolutions issued by the governor of the state; and other laws emanating from the various state agencies. There is no electronic edition of the *Periódico Oficial*; it is only available in print.¹¹⁵

Querétaro

“La Sombra de Arteaga” Periódico Oficial del Estado de Querétaro, 1867 -

<http://www2.queretaro.gob.mx/disco2/servicios/LaSombraArteaga/>

The official gazette of the state of Querétaro is under the auspices of the Secretaría de Gobierno of the state and is published once a week. It contains laws, decrees and resolutions issued by the state legislature; decrees, regulations, circulars, agreements and orders of general interest issued by the executive of the state of Querétaro and its dependencies; decrees, regulations, circulars, agreements and orders of the councils of the municipalities of the state of Querétaro and by the autonomous government agencies in their respective areas of competence; agreements, circulars and orders of general interest issued by the federal government or its agencies; administrative procurement procedures; and concessions.¹¹⁶

Summaries and the full text of the *Periódico Oficial* are available in electronic format from January 1999 to date in PDF format. The full text can be searched by multiple fields: by volume number, date, type of publication and government agency or section, as well as by keywords within the text. Indexes and summaries of the laws are arranged in chronological order by date of publication. The electronic version of the gazette has no legal effect.



Quintana Roo

Periódico Oficial del Estado de Quintana Roo, 1900s -

<http://po.qroo.gob.mx/portal/index.php>

The official gazette of the state of Quintana Roo publishes laws, decrees, regulations, agreements, circulars, manuals and other legal provisions issued by the state authorities, municipalities and individuals in their respective fields of competence.¹¹⁷ Only the indexes to the *Periódico Oficial* are available in electronic format on the publication's webpage, and these can be searched by date or keywords in the title.

¹¹⁵ For the history of the official gazette of the state of Puebla see, *Periódico Oficial del Estado de Puebla*, <http://www.pueblacapital.gob.mx/archivo-municipal/204-publicaciones/2080-serie-periodico-oficial-del-estado-de-puebla>.

¹¹⁶ Ley de Publicaciones Oficiales del Estado de Querétaro [LPOEQ], La Sombra de Arteaga [SA], 16 de Octubre de 2009, <http://www2.queretaro.gob.mx/disco2/servicios/LaSombraArteaga/>.

¹¹⁷ Ley del Periódico Oficial del Estado de Quintana Roo [LPOEQR], Periódico Oficial [PO], 14 de Diciembre de 2007, http://transparencia.qroo.gob.mx/SIWQROO/Transparencia/Documentos/3_7639_1.pdf.

San Luis Potosí

Periódico Oficial del Estado de San Luis Potosí, 1876 -

<http://apps.slp.gob.mx/po/>

The official gazette of the state of San Luis Potosí publishes laws, decrees, regulations and administrative agreements issued by the state congress; regulations, decrees, administrative agreements, circulars, orders and provisions of general interest, as well as agreements concluded or issued by the chief executive of the state, or any of its agencies or constitutional state bodies; resolutions issued by the judiciary of general interest; and other regulations or administrative provisions issued by the municipalities of the state.¹¹⁸ The Secretaría General de Gobierno is responsible for the publication of San Luis Potosí's official gazette.

The full text of the *Periódico Oficial* is accessible in electronic format from October 1995 to date, in chronological order by date of publication. No advanced search is possible. The digital version has no legal effect.

Sinaloa

Periódico Oficial del “El Estado de Sinaloa” Órgano Oficial del Gobierno del Estado, 1952 -

http://www.laipsinaloa.gob.mx/index.php?option=com_jevents&view=month&task=month_calendar&Itemid=1051

The official gazette of Sinaloa includes the laws, decrees or agreements issued by the state congress; decrees, regulations and administrative agreements issued by the state governor; agreements and conventions of the state executive, which are of general interest; resolutions and circulars of state government agencies; regulations, agreements and other general and administrative rules issued by the state judicial branch; regulations, circulars and administrative rulings of general compliance issued by the municipalities; and acts and rulings of the federal powers that the Constitution of the United Mexican States, the federal laws and regulations order to be published and thus indicate. Laws come into force three days after publication in the official gazette of the state.¹¹⁹ Only the indexes of the *Periódico Oficial* are accessible in chronological order, in Word or PDF format.

Sonora

Boletín Oficial del Estado de Sonora, 1915 -

<http://www.boletinoficial.sonora.gob.mx/>

Sonora's official gazette is an organ of the state government, and it includes the laws, decrees, regulations, agreements, circulars, notices, orders and other acts issued by the state executive, legislative and judicial branches, as well as agreements, edicts,

¹¹⁸ Ley del Periódico Oficial del Estado de San Luis Potosí [LPOESL], Decreto No. 901, Periódico Oficial [POESLP], 10 de Enero de 2012, <http://www.aseslp.gob.mx/Contenido/Leyes%20y%20C%C3%B3digos/LEYES/Periodicooficial/LEY%20DEL%20PERI%C3%93DICO%20OFICIAL.pdf>.

¹¹⁹ Código Civil para el Estado de Sinaloa [CCES], [Civil Code for the State of Sinaloa], *as amended*, Periódico Oficial [POES], 25 de Julio de 1940.

regulations and other acts issued by municipalities so that they are properly applied and observed.¹²⁰ The *Boletín Oficial* is published twice a week.¹²¹

Tabasco

Periódico Oficial, Órgano del Gobierno Constitucional del Estado de Tabasco, 1926 -

<http://cgaj.tabasco.gob.mx/periodicos>

The *Periódico Oficial* is the official gazette of the Constitutional Government of the State of Tabasco, and it includes laws, decrees, regulations, agreements, circulars, notifications, notices and other general acts issued by the state authorities and councils in their respective areas of competence. The official gazette is published twice a month.¹²² The full text is accessible in electronic format from 1959 to date, in PDF format. The webpage allows for searching keywords in the text.

Tamaulipas

Periódico Oficial del Estado de Tamaulipas, 1910 -

<http://po.tamaulipas.gob.mx/>

The *Periódico Oficial* is published by the Secretaría General de Gobierno, ordinarily on Tuesdays, Wednesdays and Thursdays of each week. Tamaulipas' official gazette contains laws, decrees, regulations, agreements, circulars, notices, announcements and other acts and resolutions issued by the state authorities, the municipalities and autonomous constitutional bodies in their respective areas of competence.¹²³



The summaries of laws from 1910 to date and the full text of the *Periódico Oficial* from 1999 to date can be accessed in electronic format. Advanced searches can be performed by keywords in the text, by date and issue number, and by type of document.

Tlaxcala

Periódico Oficial del Estado de Tlaxcala, 1921 -

<http://periodico.tlaxcala.gob.mx/periodico/>

Article 5 of the Civil Code for the State of Tlaxcala states that all laws, decrees, regulations, or any other general provisions, issued by competent authority shall enter into force upon their publication in the official gazette and in other places.¹²⁴ Only a selection of laws from 1945 to date is accessible in digital format on the webpage of the *Periódico Oficial*.

¹²⁰ Ley del Boletín Oficial [LBOES], Decreto No. 295, *as amended*, Boletín Oficial [BOES], 27 de Julio de 1993, <http://www.isaf.gob.mx/compendio/Estatal/Leyes/Ley%20del%20Boletin%20Oficial.pdf>.

¹²¹ Although there is a URL for the *Boletín Oficial*, the server is not working.

¹²² Reglamento para la Impresión, Publicación, Distribución y Resguardo del Periódico Oficial del Estado de Tabasco [RPOET], Periódico Oficial [POET], 30 de Diciembre de 2000, <http://201.159.134.38/fichaOrdenamiento2.php?idArchivo=18252&ambito=ESTATAL>.

¹²³ Ley del Periódico Oficial del Estado de Tamaulipas [LPOET], Periódico Oficial [POET], 10 de Mayo de 2010, http://poarchivo.tamaulipas.gob.mx/leyes/Leyes_Estado/Ley_Periodico_Oficial.pdf.

¹²⁴ Código Civil para el Estado Libre y Soberano de Tlaxcala [CCT], [Civil Code of Tlaxcala], *as amended*, Periódico Oficial [POT], 20 de Noviembre de 1976.

Veracruz

Gaceta Oficial del Gobierno del Estado de Veracruz, 1914 -

<http://www.editoraveracruz.gob.mx/gacetaOficial.php>

The *Gaceta Oficial* is published three times a week. It contains laws and decrees issued by the state congress and promulgated by the executive; decrees, regulations and agreements issued by the state executive; agreements, circulars and other provisions issued by the centralized units of the public administration of the state; agreements and other rules for compliance and general interest issued by the state judicial branch; and concessions. Laws shall enter into force three days after publication in the official gazette.¹²⁵



Yucatán

Diario Oficial del Gobierno del Estado de Yucatán, 1898 -

http://www.yucatan.gob.mx/servicios/diario_oficial/

The *Diario Oficial* contains laws, decrees or agreements issued by the state congress; decrees, regulations and administrative agreements issued by the state executive; resolutions and circulars of state government agencies; regulations, agreements and other general and administrative acts issued by the state judicial branch; rules, regulations, circulars and administrative rulings of general compliance issued by the municipalities; and acts and rulings of the federal powers that the Constitution of the United Mexican States, the federal laws and regulations order to be published and thus indicate.¹²⁶

Indexes of decrees, agreements and other legal provisions published in the *Diario Oficial* can be accessed in electronic format from 2001 to date, and the full text of the official gazette since July 2003 to date, in PDF and ZIP formats, by the date of publication. The electronic edition has no legal effect.

Zacatecas

Periódico Oficial Gobierno del Estado de Zacatecas, 1900 -

<http://omg.zacatecas.gob.mx/periodico.php>

Subject to publication in the official gazette of the state are laws and decrees issued by the state legislature; decrees, regulations, agreements and orders of general interest issued by the state executive and its branches; agreements, circulars and orders of the plenary of the superior court of the state; agreements signed by the state government and its municipalities; agreements issued by the municipal councils; acts or resolutions

¹²⁵ Ley No. 249, de la Gaceta Oficial del Gobierno del Estado de Veracruz de Ignacio de la Llave [LGOV], Gaceta Oficial [GO], 6 de Julio de 2005,

<http://www.ordenjuridico.gob.mx/Estatal/VERACRUZ/Leyes/VERLey111.pdf>.

¹²⁶ Ley del Diario Oficial del Gobierno del Estado de Yucatán [LDOEY], Diario Oficial [DO], 6 de Abril de 2009, <http://docs.mexico.justia.com/estatales/yucatan/ley-del-diario-oficial-del-gobierno-del-estado-de-yucatan.pdf>.

determined by the governor of the state or the state constitution.¹²⁷ The *Periódico Oficial* is published twice a week. It is accessible full text in electronic format by the date of publication from 2002 to date, in PDF format. It can also be searched by type of document and by keywords.

G. Codes & Compilations

Jonathan Pratter, University of Texas at Austin

Mexico is in the civil law tradition. Codification is part of Mexico's legal heritage.¹²⁸ The first major achievement was the *Código Civil del Distrito Federal y Territorio de la Baja California* (1870). Today there are eight codes at the federal level, and each state and the Federal District has its own set of codes. The most recent development is the *Código Nacional de Procedimientos Penales* (2014). This code modernizes and unifies criminal procedure at both the federal and state levels because it replaces the individual state and federal codes of criminal procedure that were in place until this year.

The federal codes are conveniently collected together in the listing, Federal Laws in Force (*Leyes Federales Vigentes*) at the webpage, Federal Laws of Mexico (*Leyes Federales de México*) of the Chamber of Deputies.¹²⁹ This page also has links to the governments of all the states and the Federal District, which in turn have pages for their respective state codes.



There are a few recent translations into English of Mexican codes, all federal. As far as is known, there are no English translations of state codes. The Federal Civil Code has been translated twice, by Romañach¹³⁰ and Vargas.¹³¹ Earlier translations exist, but are not recommended, as they predate the existence of the Federal Civil Code. Romañach has also translated portions of the Commercial Code.¹³²

There is not a comprehensive compilation of legislation in force at either the federal or state level, either in hardcopy or online. The website called Orden Jurídico Nacional represents an effort by the federal government to make available legislation and other enactments in force at all three levels of government (federal, state and municipal).¹³³ Other online collections of federal and state legislation and similar enactments include *Leyes Federales de México* (Chamber of Deputies), the website of IJJ-UNAM, vLex, and Justia México, all of which are described in the "Online Resources" section of this guide.

¹²⁷ Ley del Periódico Oficial del Estado de Zacatecas [LPOEZ], Decreto No. 374, Periódico Oficial [PO], 23 de Noviembre de 1988, <http://docs.mexico.justia.com.s3.amazonaws.com/estatales/zacatecas/ley-del-periodico-oficial-del-estado.pdf>.

¹²⁸ See generally, RODOLFO BATIZA, LOS ORÍGENES DE LA CODIFICACIÓN CIVIL Y SU INFLUENCIA EN EL DERECHO MEXICANO (1982) and ÓSCAR CRUZ BARNEY, LA CODIFICACIÓN EN MÉXICO: 1821-1917, UNA APROXIMACIÓN (2004).

¹²⁹ <http://www.diputados.gob.mx/LeyesBiblio>.

¹³⁰ FEDERAL CIVIL CODE OF MEXICO (Julio Romañach, Jr. trans., 2003 with 2012 supp.).

¹³¹ MEXICAN CIVIL CODE ANNOTATED (Jorge A. Vargas trans., 2012).

¹³² COMMERCIAL CODE OF MEXICO: SELECTED SUBSTANTIVE PROVISIONS (Julio Romañach, Jr. trans., 4th ed. 2012).

¹³³ <http://www.ordenjuridico.gob.mx>.

H. Administrative Regulations

Jonathan Pratter, University of Texas at Austin

The authority to make administrative regulations is called *la facultad reglamentaria*.¹³⁴ Government entities of all kinds exercise this authority,¹³⁵ but the Constitution expressly places it in the President. Article 89(I) gives him the power to “promulgate and execute the laws enacted by Congress, providing for their exact observance in the administrative sphere.” The power to make regulations (*reglamentos*) implementing framework legislation (*ley marco* or *ley cuadro*) is held by the President exclusively. The website called *Leyes Federales Vigentes* of the Chamber of Deputies has 116 of these implementing regulations issued by the President.¹³⁶

Administrative enactments come with several names. Article 2 of the Law on the Official Gazette (*Ley del Diario Oficial de la Federación*) speaks of “decrees, regulations, accords, circulars, orders and other acts” (*decretos, reglamentos, acuerdos, circulares, órdenes y demás actos*). To this list can be added (based on a review of recent issues of the *Diario Oficial*) advisories (*avisos*), resolutions (*resoluciones*), agreements (*convenios*), declarations (*declaratorias*), and communications (*oficios*). Articles 2, 3, and 4 of the Law on the Official Gazette make publication of administrative enactments obligatory.



The *Diario Oficial* functions much like the *Federal Register* in the United States. However, in Mexico there is no equivalent to the *Code of Federal Regulations*. This makes it difficult to conduct research on the current state of regulation. A partial solution is found in the website Orden Jurídico Nacional.¹³⁷ This site organizes administrative regulations by department (*secretaría*) of the federal government. For each enactment, there is a metadata indication as to status. If the regulation is currently in force, this field reads “vigente.”

A special kind of administrative measure in Mexico is the technical standard. These differ from technical standards in the U.S. in that they emanate from government agencies and have the force of law. Legally binding technical standards are called Official Mexican Norms (*Normas Oficiales Mexicanas*) and go by the acronym NOM. The production of NOMs is regulated in the Federal Law on Metrology and Standardization (*Ley Federal sobre Metrología y Normalización*). Article 52 of the law says that “all products, processes, methods, installations, services or activities shall comply (*deberán cumplir*) with the Official Mexican Norms.” Two databases of NOMs are available free on the Web. One is at the website of the *Diario Oficial*¹³⁸ and the other is available through the Secretaría de Economía’s site.¹³⁹

¹³⁴ See generally, ELISUR ARTEAGA NAVA, DERECHO CONSTITUCIONAL 847-860 (3rd ed. 2008).

¹³⁵ *Id.* at 847.

¹³⁶ <http://www.diputados.gob.mx/LeyesBiblio/regla.htm>.

¹³⁷ <http://www.ordenjuridico.gob.mx/>.

¹³⁸ <http://www.dof.gob.mx/normasOficiales.php>.

¹³⁹ <http://www.economia-noms.gob.mx/noms/inicio.do>.

A second category of technical standards is called simply Mexican Norms (*Normas Mexicanas*). These are voluntary in most cases. Article 51-A of the Federal Law on Metrology and Standardization says that “application of Mexican Norms is voluntary, except in those cases in which persons declare that their products, processes or services are in conformity with them”

I. International Agreements¹⁴⁰

Teresa Miguel-Stearns, Yale University

A Brief History

*Estados Unidos Mexicanos*¹⁴¹ is the modern nation created within the northern region of the former Spanish empire in the Americas. When Pope Alexander VI issued a papal bull on May 4, 1493, fixing the line of demarcation of conquered territories between the Kings of Spain and Portugal, the then-unexplored territory of what is now Mexico went to the Spanish crown. Hernán de Cortes conquered the Aztec empire in 1521 and Spain ruled the territory until Mexican independence in the early 19th century. The territory was called *Nueva España* (New Spain) with its capital in today's Mexico City.¹⁴²

In 1810, Padre Miguel Hidalgo rang the local church bell in Dolores, Mexico in the first call (known and celebrated as *El Grito de Dolores*) for Mexican independence from Spain. In 1821, Agustín de Iturbide successfully negotiated the *Treaty of Córdoba* with the final Spanish viceroy.¹⁴³ The *Treaty of Córdoba* contains three guarantees that are represented in the three colors of the Mexican flag: preservation of the Catholic Church (white); absolute independence of Mexico from Spain (green); and the friendly union of Spaniards and Mexicans (red).¹⁴⁴ A Constitutional Congress was convened in 1823 and drafted the first constitution of the new republic, organizing its territories into 19 states.¹⁴⁵

The years that followed Mexican independence were turbulent. Presidents changed quickly and *coups d'état* were commonplace. Slavery was abolished in 1829. Rebellion rose up in what is now Texas, culminating in 1835-36 with a war of separation from Mexico. Texas gained its independence after defeating a surprised and disorganized Mexican army at the Battle of San Jacinto. Some ten years later, United States support of Texas' secession from Mexico led to armed conflict between Mexico and the United States. In December 1845, Texas was made the



¹⁴⁰ A more extensive and detailed chapter on Mexican sources of international law can be found in the second edition of *Sources of State Practice in International Law* (Brill 2014).

¹⁴¹ The exact etymology of México is disputed. One commonly held theory is that it is named for the Aztec people, also called *Mexicas* or *Tenochas*, founders of their capital city, *Mexico-Tenochtitlan*, present day Mexico City.

¹⁴² STEPHEN ZAMORA ET AL., *MEXICAN LAW* 8 (2004).

¹⁴³ *Id.* at 18, fn. 78. See, *Tratados Celebrados en la Villa de Córdoba el 24 de Agosto de 1821 (Treaty of Córdoba)* in COLECCIÓN DE TRATADOS CON LAS NACIONES ESTRANJERAS, LEYES, DECRETOS Y ORDENES QUE FORMAN EL DERECHO INTERNACIONAL MEXICANO 1 (1854).

¹⁴⁴ JOHN T. VANCE AND HELEN L. CLAGETT, *LAW AND LEGAL LITERATURE OF MEXICO* 5-6 (1945).

¹⁴⁵ ZAMORA ET AL., *supra* note 142, at 19-20.

28th state of the United States of America. Mexico refused to accept Texas' accession. In January 1846, the United States army invaded Mexico and fought its way to Mexico City. Mexico eventually surrendered on February 2, 1848, and signed the *Treaty of Guadalupe Hidalgo*¹⁴⁶ at which time Mexico gave up two-fifths of its territory: Texas, New Mexico, Arizona, California, Nevada, and part of Colorado.¹⁴⁷ The U.S.-Mexico borders were further defined in 1853 with the Gadsden Treaty.¹⁴⁸

Spanish colonial law was initially a transplantation of Spanish law, which at the time of conquest was a confusing mixture of Roman, Germanic, and canon law, royal decrees, and administrative practices.¹⁴⁹ In Mexico, Aztec customary law was not completely eliminated by the Spanish crown, especially when it was compatible with Spanish law or the Catholic Church's interests. Some indigenous customs were eventually codified in the *Recopilación de Leyes de los Reynos de las Indias* (1680), the authoritative compilation of laws of the Americas. As evidenced by the *Recopilación*, the laws of Spanish America were developing somewhat independently from the laws of Spain despite a similar political and legal organization.¹⁵⁰

Mexican civil law was virtually indistinguishable from Spanish civil law long after independence. For many years, the decrees of the *Cortes de España* were collected and published as part of Mexican legislation by order of the Mexican government.¹⁵¹ Spanish legal texts written for Spain's colonies in the Americas, including the *cédulas* of the Council of the Indies, the *Recopilación de Indias*, the *Nueva Recopilación*, various *Fueros*, the *Siete Partidas*, and the *Novísima Recopilación*, were still an important part of Mexican law well after independence.¹⁵²

Treaty Practice

From the late 17th century to 1821, Spain made almost 300 land grants to promote development in the frontier lands, reward Spanish subjects, and create a buffer zone between Spanish settlements and Indian tribes. About half of the land grants were awarded to individuals and half to communities (for communal use in perpetuity), including 23 grants to Native American *pueblos*. Most land grants were made in what is today the Southwestern United States. At the time of the land grants, the territory was claimed and controlled by Spain and later by an independent Mexico, which continued to recognize the land grants, adhere to the Spanish land policies, and consider the residents Mexican citizens. In accordance with the *Treaty of Guadalupe Hidalgo*, the

¹⁴⁶ Treaty of Peace, Friendship, Limits, and Settlement (Treaty of Guadalupe Hidalgo), U.S.-Mexico, Feb. 2, 1848, 9 STAT. 922 (ratifications exchanged May 30, 1848; proclaimed July 4, 1848).

¹⁴⁷ ZAMORA ET AL., *supra* note 142, at 18-21.

¹⁴⁸ Treaty of Boundary, Cession of Territory, Transit of Isthmus of Tehuantepec, Etc. (Gadsden Treaty), U.S.-Mexico, Dec. 30, 1853, 1 U.S.T. 1121 (ratifications exchanged and proclaimed June 30, 1854).

¹⁴⁹ ZAMORA ET AL., *supra* note 142, at 8-9, *citing* GUILLERMO FLORIS MARGADANT, INTRODUCCIÓN A LA HISTORIA DEL DERECHO MEXICANO 28-9 (8th ed. 1988).

¹⁵⁰ ÁNGEL R. OQUENDO, LATIN AMERICAN LAW 88-9, 109 (2nd ed. 2011), *citing* JOHN H. MERRYMAN ET AL., THE CIVIL LAW TRADITION: EUROPE, LATIN AMERICA, AND EAST ASIA 362, 366 (1994). *See*, RECOPIACIÓN DE LEYES DE LOS REYNOS DE LAS INDIAS (1681) sec. 2.1.4 and 5.2.22, for example.

¹⁵¹ For a collection of decrees and orders from the *Cortes* in force at the time of Independence, *see*, COLECCIÓN DE LOS DECRETOS Y ÓRDENES DE LAS CORTES DE ESPAÑA QUE SE REPUTAN VIGENTES EN LA REPÚBLICA DE LOS ESTADOS-UNIDOS MEXICANOS (1836).

¹⁵² GUSTAVUS SCHMIDT, THE CIVIL LAW OF SPAIN AND MEXICO 98-100 (1851).

United States agreed to recognize and protect the property rights of Mexican citizens living in the newly acquired areas.¹⁵³

Mexico signed in 1969 and ratified in 1974 the *Vienna Convention on the Law of Treaties*,¹⁵⁴ and applies the definition of treaties set forth in Article 2 of the *Vienna Convention*. Treaty formation in Mexico complies with the *Vienna Convention*.¹⁵⁵

The Mexican Constitution recognizes treaties as the supreme law of the land.¹⁵⁶ Nonetheless, the role of treaties in Mexican domestic law is a point of controversy. Overturning a 1992 precedent-setting decision that placed treaties on the same plane as federal law, the Mexican Supreme Court in 1999 in plenary session held that international treaties take precedence over domestic federal or state law even when the domestic law is adopted after the international treaty. The Court expressly held that only the Mexican Constitution is superior to international treaties.¹⁵⁷

Treaty formation and implementation in Mexico is governed principally by three cohesive provisions: the Mexican Constitution; the Organic Law of the Federal Public Administration (*LOAPF*);¹⁵⁸ and the Law of Treaties.¹⁵⁹ In its most simplistic form, the President of Mexico or his designees concludes and signs a treaty and then submits it to the Senate for approval. After Senate approval and after complying with depository and other details, it is published in the *Diario Oficial de la Federación (DO)* in accordance with the Federal Civil Code and the Law of Treaties.¹⁶⁰

The Constitution grants power and obligates the President of Mexico to manage foreign affairs and conclude international treaties. Treaty-making power includes the ability to enter into, conclude, suspend, modify, and amend treaties; create reservations;

¹⁵³ GOVERNMENT ACCOUNTING OFFICE, TREATY OF GUADALUPE HIDALGO: FINDING AND POSSIBLE OPTIONS REGARDING LONGSTANDING COMMUNITY LAND GRANT CLAIMS IN NEW MEXICO 3-4 (2004). This is the second of two reports created to address a century of grievances by the heirs of land grant holders claiming unfair treatment by the U.S. government.

¹⁵⁴ Vienna Convention on the Law of Treaties, May 23, 1969, 1155 U.N.T.S. 331.

¹⁵⁵ ZAMORA ET AL., *supra* note 142, at 90.

¹⁵⁶ Constitución Política de los Estados Unidos Mexicanos [C.P.], *as amended*, art. 133, Diario Oficial de la Federación [DO], 5 de Febrero de 1917 (Mex.), *available at* http://www.diputados.gob.mx/LeyesBiblio/pdf/1_100214.pdf.

¹⁵⁷ ZAMORA ET AL., *supra* note 142, at 90, *citing* Amparo en Revisión 1475/98 in SEMANARIO JUDICIAL DE LA FEDERACIÓN, vol. X (nov.) 46 (1999).

¹⁵⁸ Ley Orgánica de Administración Pública Federal [LOAPF] [Federal Public Administrative Law], *as amended*, Diario Oficial de la Federación [DO], 2 de Abril de 2013 (Mex.), *available at* <http://www.diputados.gob.mx/LeyesBiblio/pdf/153.pdf>.

¹⁵⁹ Ley sobre la Celebración de Tratados [Law of Treaties], Diario Oficial de la Federación [DO], 2 de Enero de 1992 (Mex.), *available at* <http://www.diputados.gob.mx/LeyesBiblio/pdf/216.pdf>.

¹⁶⁰ JORGE PALACIOS TREVIÑO, TRATADOS: LEGISLACIÓN Y PRÁCTICA EN MÉXICO 55, 78 (2007) [hereinafter *TRATADOS*]. *Tratados* is a superbly detailed account of treaty-making practice and procedure in Mexico. The *DO* is the official gazette of Mexico. In accordance with the *Código Civil Federal de México*, Art. 3-4 (2000), no law takes effect until three days after it is published in the *DO* unless explicitly stated otherwise in the text of the law. The Law of Treaties, Art. 4, also requires publication in the *DO* after Senate approval is reached.

and formulate interpretive declarations. The President must submit all such action to the Senate for approval.¹⁶¹

The Constitution also grants the Senate exclusive authority to analyze the foreign affairs as developed by the Executive Branch by reviewing annual reports of the President of the Republic and the Secretary of the corresponding office to Congress. Furthermore, the Senate has the power to approve the treaties and diplomatic conventions that the Executive Branch has signed including its decision to end, denounce, suspend, modify, amend, make reservations, and formulate interpretive declarations regarding the same.¹⁶²

LOAPF charges the Secretariat of Foreign Affairs (*Secretaría de Relaciones Exteriores*) (SRE) with coordinating the foreign affairs of all the entities of the Federal Public Administration including all classes of treaties, conventions, and agreements to which Mexico is a party.¹⁶³ By way of other articles, it grants the entities, or federal agencies, the authority to do the same within each agency's narrow area of expertise and jurisdiction. For example, the Secretariat of the Environment and Natural Resources has the power to conclude international treaties on behalf of the SRE in its narrow area of competence.¹⁶⁴

Treaty practice in Mexico, as in all countries, differs depending on whether it is a bilateral treaty or a multilateral treaty. For both bilateral and multilateral treaties, the Treaty Section of the Legal Advisor's Office of the SRE plays an advisory role throughout the negotiations process. Although a government agency with particular specialization may engage in the actual negotiations for a relevant treaty, the agency is continuously supported by the SRE.¹⁶⁵

Once a bilateral or multilateral treaty is signed, it is up to the Executive Power to submit the treaty to the Senate, which engages in an article-by-article analysis, for approval. At the end, the Chamber of Senators votes on a motion of approval. The Senate must vote and approve reservations, declarations, or understandings at this time as well. If the Senate approves the treaty, it issues a decree to the Secretary of the Government (SG) and the President.¹⁶⁶

After the Senate approves the treaty, the President must ratify the treaty before it can become law.¹⁶⁷ After signature, Senate approval, and ratification, the Secretary of the SRE prepares for the President an SRE-endorsed decree, which includes the complete text of the treaty. The President orders its publication in the *DO* in accordance with the Federal Civil Code, after which it becomes the supreme law of the land.¹⁶⁸

The Law of Treaties obligates the SRE to maintain a registry of all treaties entered into force in which Mexico is a party. The registry is managed by the Legal Adviser's

¹⁶¹ C.P. Art. 89 (x).

¹⁶² C.P. Art. 76 (I).

¹⁶³ TRATADOS, *supra* note 160, at 73 *citing* LOAPF Art. 28.

¹⁶⁴ TRATADOS, *supra* note 160, at 73-4. *See also*, LAOPF Art. 32Bis. Sec. IX.

¹⁶⁵ MONROE LEIGH ET AL., (ED.), NATIONAL TREATY LAW AND PRACTICE 106-7 (2003).

¹⁶⁶ *Id.* at 108-9.

¹⁶⁷ C.P. Art. 89 (x).

¹⁶⁸ LEIGH ET AL., *supra* note 165, at 110.

Office and is available to the public. The SRE also registers all treaties with the United Nations.¹⁶⁹

The Law of Treaties distinguishes between two types of international instruments: treaties (*tratados*) and inter-institutional agreements (*acuerdos interinstitucionales*). Article 2 defines a treaty as an international agreement entered into by the government of Mexico that involves one or more subjects pertaining to public international law. Treaties must be approved by the Senate in compliance with Article 76 of the Constitution, and are the supreme law of the land according to the terms of Article 133 of the Constitution. Inter-institutional agreements also deal with matters of public international law. They can be negotiated and entered into by a public administrative agency at the state or municipal level with one or more foreign government agencies or international organizations as long as there is no existing treaty on the matter. The subject matter of inter-institutional agreements is limited to areas in which the state, municipality, or agency already enjoys exclusive jurisdiction. Inter-institutional agreements are not approved by the Senate, are not published in the *DO*, and are not the supreme law of the land.¹⁷⁰

Bibliography

General Treaty Collections

COLECCIÓN DE TRATADOS CON LAS NACIONES ESTRANJERAS, LEYES, DECRETOS Y ÓRDENES QUE FORMAN EL DERECHO INTERNACIONAL MEXICANO. (México: Impr. De J.M. Lara, 1854).

Summary: A collection of treaties from 1821 – 1854, beginning with the *Tratado de Córdoba* in 1821. The index is a chronological list of 158 treaties from 1821 – 1854, plus several additional conventions. Available in Google Books and HathiTrust at <http://hdl.handle.net/2027/umn.31951001873701y>.



Secretaría de Relaciones Exteriores, TRATADOS DE MÉXICO: SOBERANÍA Y TERRITORIO 1821-1910. (México: Secretaría de Relaciones Exteriores, 2000).

Summary: Beautifully illustrated coffee-table style book providing a detailed narrative of how treaties fit into Mexican history during the stated time period.

DERECHO INTERNACIONAL MEXICANO. TRATADOS Y CONVENCIONES CONCLUIDOS Y RATIFICADOS POR LA REPÚBLICA MEXICANA, DESDE SU INDEPENDENCIA HASTA EL AÑO ACTUAL, ACOMPAÑADOS DE VARIOS DOCUMENTOS QUE LES SON REFERENTES. PRIMERA PARTE. (México: Imp. de Gonzalo A. Esteva, 1878).

Summary: Volume I contains the treaties and conventions concluded and ratified by Mexico from Independence (1821) to 1877. Available in Google Books at <http://books.google.com/books?id=bscCAAAAYAAJ>.

¹⁶⁹ *Id.*; Ley de Tratados, Art. 6.

¹⁷⁰ See generally, TRATADOS, *supra* note 160, at 288-98. See also, LEIGH ET AL., *supra* note 165 at 111-12; Ley de Tratados, Art. 7-8; JORGE A. VARGAS, MEXICAN LAW: A TREATISE FOR LEGAL PRACTITIONERS AND INTERNATIONAL INVESTORS 22-4 (1998).

DERECHO INTERNACIONAL MEXICANO. TRATADOS Y CONVENCIONES CELEBRADOS Y NO RATIFICADOS POR LA REPÚBLICA MEXICANA: CON UN APENDICE QUE CONTIENE VARIOS DOCUMENTOS IMPORTANTES. SEGUNDA PARTE. (México: Imp. de Gonzalo A. Esteva, 1878).

Summary: This volume contains treaties and conventions concluded but not ratified by Mexico. It was created purely for historical interest and only a small number of copies were printed and distributed. Available in Google Books at <http://books.google.com/books?id=oeHqAAAAMAAJ>.

DERECHO INTERNACIONAL MEXICANO. LEYES, DECRETOS Y ORDENES QUE FORMAN EL DERECHO INTERNACIONAL MEXICANO O QUE SE RELACIONAN CON EL MISMO. TERCERA PARTE. (México: Tip. Lit. de Filomeno Mata, 1879).

Summary: Volume III contains the laws, decrees, and orders that together form Mexican international law or are related to Mexican International law. Some treaties and conventions are contained in this volume, which is organized topically and alphabetically (beginning with *Agentes Comerciales Privados*). Available in Google Books at <http://books.google.com/books?id=baJJAQAIAAJ>.

DERECHO INTERNACIONAL MEXICANO. TRATADOS Y CONVENCIONES CONCLUIDOS Y RATIFICADOS POR LA REPÚBLICA MEXICANA DESDE SU INDEPENDENCIA HASTA EL AÑO 1896, ACOMPAÑADOS DE VARIOS DOCUMENTOS QUE LES SON REFERENTES. SEGUNDA PARTE. (México: Imp. y Lit. de F. Díaz de León Suc., 1896).

Summary: This second *segunda parte* is intended to replace the original *segunda parte* in which a limited number of exemplars were printed and only for historical purposes as those treaties were never ratified. This new *segunda parte* effectually continues the original (and only) *primera parte* by publishing treaties and conventions concluded and ratified by Mexico between December 7, 1877 and March 16, 1896. Bilateral treaties with non-Spanish-speaking countries are presented in side-by-side columns in both languages. Multilateral treaties are also reprinted. Available in HathiTrust at <http://hdl.handle.net/2027/mdp.35112104563954>.

Secretaría de Relaciones Exteriores, TRATADOS Y CONVENCIONES VIGENTES. (México: J.I. Guerrero y Ca., Suc. de F. Díaz de León, 1904).

Summary: A collection of treaties in force published by the Department of Foreign Affairs of Mexico, organized chronologically beginning with the *Tratado de Paz, Amistad y Límites, de 2 de Febrero de 1848, con los Estados Unidos de América*. Available in Google Books at <http://books.google.com/books?id=lj00AQAAMAAJ>.

Secretaría de Relaciones Exteriores, TRATADOS Y CONVENCIONES VIGENTES. (México: Tip. "Artística," 1909).

Summary: This volume is an appendix to the above collection of treaties and conventions, plus a historical sketch of Mexico's treaty relations from the time of independence to 1909. It also includes a chronological list of treaties arranged under each Mexican president. This work is based partly on the 1859 index created by Matías Romero (see below).

Secretaría de Relaciones Exteriores, TRATADOS Y CONVENCIONES VIGENTES ENTRE LOS ESTADOS UNIDOS MEXICANOS Y OTROS PAÍSES. (México: Imp. de la Secretaría de Relaciones Exteriores, 1930-1938).

Summary: A six-volume series of treaties in force in Mexico. Volume I (1930) contains bilateral treaties organized alphabetically by foreign country. Volumes II and III (1931) contain multilateral treaties organized chronologically by date of signature. Volume IV (1938) contains multilateral and bilateral treaties since 1930 and conventions of the International Labor Conference. Volume V contains conventions of the International Labor Conference. Volume VI contains bilateral treaties since 1930.

Diario Oficial de la Federación. (México, 1917-)

Summary: Daily publication of laws, decrees, treaties and other legal documents. Known simply as *Diario Oficial* from 1917 – 1986; known by several names from 1722 – 1917. Available free online at <http://dof.gob.mx/index.php> from 1917 (year of current Mexican Constitution).

Senado de La República and Secretaría de Relaciones Exteriores, TRATADOS CELEBRADOS POR MÉXICO. (México: El Senado, 1993 -).

Summary: Annual publication containing the full text of bilateral and multilateral agreements, and other international instruments from 1823 to the present. Treaties are arranged chronologically by date of signature or conclusion. Treaties can now be found on the website of the Secretaría de Relaciones Exteriores: <http://www.sre.gob.mx/tratados/> and <http://www.ordenjuridico.gob.mx/ambinter.php>.

Note: Previous title: TRATADOS RATIFICADOS Y CONVENIOS EJECUTIVOS CELEBRADOS POR MÉXICO (1973 – 1993).

México, TRATADOS VIGENTES CELEBRADOS POR MÉXICO (1836-2012), *available at* http://www.ordenjuridico.gob.mx/Publicaciones/CDs2012/CDTratados/cd_tratados.php.

Summary: Interactive website published cooperatively by several government agencies. Contains full-text (unofficial and unauthenticated) PDF documents of all treaties, bilateral and multilateral in force in Mexico, as well as related jurisprudence and national laws related to treaties. Search using interactive map or advanced search. Each treaty contains date of signature, ratification, and entry into force.

THE CONSOLIDATED TREATY SERIES. 231 Vols. (Dobbs Ferry (NY): Oceana, 1969-1981).

Summary: Beginning with the *Treaty of Westphalia* in 1648, this series proposes to consolidate chronologically all treaties entered into worldwide up to the formation of the *League of Nations Treaty Series* (LNTS). Contains many treaties involving Mexico. Treaties are reprinted in the vernacular. Also gives parallel citations to Mexico's treaty collections.

Treaty Indexes

Matías Romero, TABLA SINÓPTICA DE LOS TRATADOS Y CONVENCIONES QUE HAN NEGOCIADO LOS ESTADOS DE MÉXICO CON LAS NACIONES EXTRANJERAS. (Tabasco (Méx.): J.M. Flores, 1859).

Summary: This volume contains a helpful table summarizing all 24 treaties Mexico has signed with foreign countries (including Texas) up to the time of publication (Mexico recognized Texas' independence at this time). The table lists

the foreign country, the objective of the treaty, the Mexican and foreign officials involved, the date and place of conclusion, dates of ratification for Mexico and the foreign State, date of publication in Mexico, and duration of the treaty. Additionally, the author details the six types of treaties (friendship, commerce and navigation; conventions; peace; boundaries; alliances; abolition of slavery) and explains the motivation behind each type. The author also summarizes the key points of each of the 24 treaties. There is no index and no full-text reprint of the treaties.



Clive Parry, INDEX – GUIDE TO TREATIES: BASED ON THE CONSOLIDATED TREATY SERIES. 10 volumes. (Dobbs Ferry (NY): Oceana, 1979 - 1986).

Summary: Multivolume index provides several methods of finding treaties, including by country. Indexes the hundreds of treaties involving Mexico from 1823 – 1919.

Secretaría de Relaciones Exteriores, MÉXICO: RELACIÓN DE TRATADOS EN VIGOR. (México: Secretaría de Relaciones Exteriores, 1985 -).

Summary: Published sporadically, contains a list of treaties in force in Mexico. Organized in two sections, bilateral (alphabetically by foreign country) and multilateral (alphabetically by subject). Introductory note directs users to the COLECCIÓN TRATADOS RATIFICADOS Y CONVENIOS EJECUTIVOS CELEBRADOS POR MÉXICO and the UNITED NATIONS TREATY SERIES for full text. CTS and UNTS citations given in chart along with dates of adoption, ratification, and entry into force.

Secretaría de Gobernación, GUÍA DE TRATADOS PROMULGADOS Y OTROS INSTRUMENTOS INTERNACIONALES VIGENTES SUSCRITOS POR MÉXICO. (México: Porrúa, 2005).

Summary: Chronological guide to all treaties and international instruments concluded by Mexico from 1836 – 2004. Provides dates of signing and promulgation, whether bilateral, multilateral, or international organization, and one- or two-word description. Does not indicate current status (whether currently in force). Also available online from the website of the Mexican government agency, Orden Jurídico Nacional at <http://www.ordenjuridico.gob.mx/Publicaciones/guia%20de%20tratados2005.pdf>.

Topical and Selected Treaty Publications

Richard A. Westin, U.S. – MEXICAN TREATIES (Buffalo (NY): Hein, 1996).

Summary: Originally an 11-volume set containing all bilateral and multilateral treaties in force between the United States of America and Mexico, and multilateral treaties to which both countries are signatories, from 1848 (*Treaty of Guadalupe Hidalgo*) to 1994. Organized chronologically by signing date. Volume 12 is a 1999 Supplement covering 1992 to 1997. Volume 13 is a 2001 Supplement covering 1997 to 2000.

ARGENTINA-MÉXICO: ACUERDOS BILATERALES, 1912-2000. (Buenos Aires (Arg.): Consejo Argentino para las Relaciones Internacionales, 2002).

Summary: Publication of bilateral treaties, agreements, declarations, acts, and memoranda of understanding between Mexico and Argentina. There is a helpful introduction detailing the history of bilateral agreements between the two countries.

Yearbooks and Digests of State Practice

ANUARIO MEXICANO DE DERECHO INTERNACIONAL. (México, Universidad Nacional Autónoma de México, Instituto de Investigaciones Jurídicas, 2001-)

Summary: Mostly in Spanish, some English and French. Combines articles from leading scholars, commentaries, summaries of court proceedings, and analysis and explanation of state practice. Available full text online at the IJJ-UNAM site: <http://biblio.juridicas.unam.mx/revista/DerechoInternacional/>.

Note: Other title: MEXICAN YEARBOOK OF INTERNATIONAL LAW.

Explanatory Works

Antonio Garza Cánovas, *Mexico: Law Regarding the Making of Treaties*, 31 I.L.M. 390 (1992).

Summary: Formerly of the Office of the Legal Advisor in the Secretaría de Relaciones Exteriores, Mr. Garza Cánovas provides an excellent introduction to, and explanation of, the 1992 Law of Treaties (translated into English).

T. Esquivel Obregón, *APUNTES PARA LA HISTORIA DEL DERECHO EN MÉXICO*. (México: Porrúa, 1984).

Summary: Volume II includes treatment of many treaties involving and/or affecting *Nueva España* and Mexico in the 18th and 19th centuries.

John H. Merryman et al., *THE CIVIL LAW TRADITION: EUROPE, LATIN AMERICA, AND EAST ASIA*. (1994).

Summary: Classic and original work on civil law systems, including those in Latin America; especially helpful for common law-trained legal scholars and practitioners.

Stephen Zamora et al., *MEXICAN LAW*. (2004).

Summary: Treatise on Mexican law provides a valuable overview of the legal system, including detailed historical context.

Jorge Palacios Treviño, *TRATADOS: LEGISLACIÓN Y PRÁCTICA EN MÉXICO*. (Secretaría de Relaciones Exteriores de México, Universidad Iberoamericana, 2007).

Summary: Excellent, indispensable, and detailed work on treaty formation in Mexico.

Ángel Oquendo, *LATIN AMERICAN LAW*. (2nd ed. 2011).

Summary: Textbook for U.S. law students providing overview of legal systems throughout Latin America, including excellent treatment of period around Mexican independence.

Relevant Laws

Constitución Política de los Estados Unidos Mexicanos [C.P.], *as amended*, Art. 133, Diario Oficial de la Federación [DO], 5 de Febrero de 1917 (Mex.), *available at* http://www.diputados.gob.mx/LeyesBiblio/pdf/1_100214.pdf. See also, Constitution of Mexico (English translation by the Organization of American States), *available at* http://www.oas.org/juridico/mla/en/mex/en_mex-int-text-const.pdf.

Ley sobre la Celebración de Tratados [Law of Treaties], Diario Oficial de la Federación [DO], 2 de Enero de 1992 (Mex.), *available at* <http://www.diputados.gob.mx/LeyesBiblio/pdf/216.pdf>. See also, Law Regarding the Making of Treaties (English Translation), 31 I.L.M. 393 (1992).

Ley Orgánica de Administración Pública Federal [LOAPF] [Federal Public Administrative Law], *as amended*, Diario Oficial de la Federación [DO], 2 de Abril de 2013 (Mex.), *available at* <http://www.diputados.gob.mx/LeyesBiblio/pdf/153.pdf>.

Fin:

I am grateful to the work of several predecessors whose excellent bibliographic publications contributed significantly to the research I have done into the historical treaty collections named above. They include:

Denys Peter Myers, *MANUAL OF COLLECTIONS OF TREATIES AND OF COLLECTIONS RELATING TO TREATIES*. (Cambridge: Harvard Univ. Press, 1922).

John T. Vance and Helen L. Clagett, *A GUIDE TO THE LAW AND LEGAL LITERATURE OF MEXICO*. (Washington D.C.: Library of Congress, 1945).

Helen L. Clagett and David M. Valderrama, *A REVISED GUIDE TO THE LAW AND LEGAL LITERATURE OF MEXICO*. (Washington D.C.: Library of Congress, 1973).

J. Judicial Decisions

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Like the United States, Mexico has adopted a dual system of federal and state courts. There are also specialized tribunals in Mexico that handle disputes in such areas as elections, labor, taxation, agriculture, and the military. The following discussion will emphasize federal courts and is by no means exhaustive. For a more detailed analysis in English of the Mexican judicial system (including state courts), José María Serna de la Garza's aforementioned book is recommended.¹⁷¹

The Mexican Constitution vests the Federal Judicial Power (*Poder Judicial de la Federación*) in a Supreme Court (*Suprema Corte de Justicia de la Nación*), an Electoral Tribunal (*Tribunal Electoral del Poder Judicial de la Federación*), Collegiate Circuit Courts (*Tribunales Colegiados de Circuito*), Unitary Circuit Courts (*Tribunales Unitarios de Circuito*) and District Courts (*Juzgados de Distrito*).¹⁷² In general terms, the Electoral

¹⁷¹ SERNA DE LA GARZA, *supra* note 1, at 103-33.

¹⁷² Constitución Política de los Estados Unidos Mexicanos [C.P.], *as amended*, art. 94, Diario Oficial de la Federación [DO], 5 de Febrero de 1917 (Mex.).

Tribunal handles electoral disputes, the Collegiate and Unitary Circuit Courts are intermediate appellate courts, and the District Courts are courts of first instance. The Collegiate Circuit Courts meet in panels of three judges,¹⁷³ and the Unitary Circuit Courts have one presiding judge.¹⁷⁴ Both circuit and district court judges serve for six-year terms, after which these judges may be retained, promoted, or dismissed.¹⁷⁵

The supervision, administration, and discipline of most federal courts is assigned to the Federal Judicial Council (*Consejo de la Judicatura Federal*).¹⁷⁶ The Federal Judicial Council has no overseeing duties for the Supreme Court or the Electoral Court.¹⁷⁷ The website of the Federal Judicial Council is comprehensive and provides access to various Council publications. Most of the information on the website is in Spanish, although there is a limited amount offered in English.¹⁷⁸ The Council's website links directly to the General Directorate of Judicial Statistics (*Dirección General de Estadística Judicial*) site, which offers statistics and information on the various federal courts, including detailed maps of their locations.¹⁷⁹



The Organic Law of the Federal Judicial Power (*Ley Orgánica del Poder Judicial de la Federación*) further prescribes the jurisdiction, powers, and duties of the federal courts and Judicial Council. The Organic Law also describes the role, responsibilities, and composition of the Federal Citizen Juries (*Jurados Populares Federales*), which district court

judges may form.¹⁸⁰ An English translation of the Organic Law is posted on the Electoral Tribunal's website.¹⁸¹

The Supreme Court is composed of 11 Justices (*Ministros and Ministras*),¹⁸² including a Chief Justice (*Presidente de la Corte Suprema*).¹⁸³ The current Chief Justice is Juan N. Silva Meza. The procedure for filling Supreme Court vacancies requires the Mexican President to propose a *terna* of candidates (short list of three) to the Senate and then a two-thirds majority of voting Senators is required for approval of a candidate.¹⁸⁴ Supreme Court Justices are appointed for 15-year terms, and they may only be removed under grave cause as established under the terms of Title Four of the

¹⁷³ *Ley Orgánica del Poder Judicial de la Federación* [LOPJF][Organic Law of the Federal Judicial Power], as amended, art. 33, Diario Oficial de la Federación [DO], 26 de Mayo de 1995 (Mex.).

¹⁷⁴ *Id.* Art. 28.

¹⁷⁵ C.P. Art. 97.

¹⁷⁶ *Id.* Art. 94.

¹⁷⁷ LOPJF, *supra* note 173, Art. 68.

¹⁷⁸ <http://www.cjf.gob.mx/acercaCJF.html#>.

¹⁷⁹ http://www.dgepi.cjf.gob.mx/organosjurisdiccionales/orgjuri_ini.asp.

¹⁸⁰ LOPJF, *supra* note 173, Arts. 56-67.

¹⁸¹ <http://www.trife.gob.mx/en/consultations/organic-law-federal-judicial-branch>.

¹⁸² C.P. Art. 94.

¹⁸³ LOPJF, *supra* note 173, Art. 12.

¹⁸⁴ C.P. Art. 96.

Constitution.¹⁸⁵ Once a Justice's term has been served, he or she cannot be reappointed to the Supreme Court, unless the term served was of a temporary or provisional nature.¹⁸⁶

Matters before the Supreme Court may be heard by the full court (*en pleno*)¹⁸⁷ or by one of two chambers (*salas*).¹⁸⁸ The Chambers consist of five judges, although the presence of four is enough to conduct a hearing.¹⁸⁹ Each chamber addresses a particular group of subject matter.¹⁹⁰ The Chief Justice does not belong to either chamber and does not participate in chamber deliberations.¹⁹¹ All of the Court's sessions are public, with the exception of cases in which morals or the public interest require a closed session.¹⁹² Matters within the exclusive jurisdiction of the Supreme Court are delineated in Article 105 of the Constitution, as well as Articles 10 and 21 of the Organic Law. Detailed information on the Supreme Court, including biographies of the Justices, composition of the Chambers, and jurisdictional information is posted on the Court's website (Spanish only).



Article 104 of the Constitution describes the jurisdiction of federal courts, and the Organic Law specifically details the jurisdiction of the Collegiate Circuit Courts,¹⁹³ Unified Circuit Courts,¹⁹⁴ and District Courts.¹⁹⁵ In general terms, the federal judiciary exercises jurisdiction over all civil and criminal cases involving the application of federal laws or international treaties to which Mexico is a party, maritime controversies, cases between states, cases involving the diplomatic and consular corps, cases in which the federal government is a party, and *amparo* suits.¹⁹⁶

The complex topic of *amparo* will not be addressed at length in this discussion, but in simple terms, it is "a set of federal judicial procedures by which any private person (individual or enterprise) may contest the action of a government agency or official, either at the state or federal level, on the ground that the action is unconstitutional."¹⁹⁷ The *amparo* jurisdiction of federal courts is articulated in Articles 103 and 107 of the Constitution. In 2013, Mexico promulgated a new Law of Amparo (*Ley de Amparo*),

¹⁸⁵ *Id.* Art. 94.

¹⁸⁶ *Id.*

¹⁸⁷ LOPJF, *supra* note 173, Art. 2.

¹⁸⁸ *Id.* Art. 15.

¹⁸⁹ *Id.*

¹⁹⁰ Reglamento Interior de la Suprema Corte de Justicia de la Nación, art. 37, Diario Oficial de la Federación [DO], 1 de Abril de 2008 (Mex.).

¹⁹¹ LOPJF, *supra* note 173, Art. 2.

¹⁹² *Id.* Art. 16.

¹⁹³ *Id.* Art. 37.

¹⁹⁴ *Id.* Art. 29.

¹⁹⁵ *Id.* Arts. 48-55.

¹⁹⁶ FRANCISCO A. AVALOS, THE MEXICAN LEGAL SYSTEM: A COMPREHENSIVE RESEARCH GUIDE 39 (3rd ed. 2013).

¹⁹⁷ STEPHEN ZAMORA ET AL., *supra* note 142, at 213.

which repealed the 1936 version.¹⁹⁸ Detailed information on the new law, including its legislative history, effect on secondary legislation, as well as the full text, is available on the Supreme Court's website (Spanish only).¹⁹⁹

As a civil law nation, Mexico does not adhere to the principle of *stare decisis*. The only exception to this in Mexico is legally binding precedent called *jurisprudencia*. The criteria for *jurisprudencia* are located in the Law of Amparo and the Organic Law. *Jurisprudencia* is created by the Mexican Supreme Court and the Collegiate Circuit Courts,²⁰⁰ along with the Electoral Tribunal.²⁰¹ As an example, a Supreme Court opinion is considered to be *jurisprudencia* when the Court sitting in plenary issues five consecutive and consistent decisions on a point of law (by a vote of at least eight justices) and without any contrary ruling.²⁰² Once established, *jurisprudencia* is legally binding on all lower courts.²⁰³ For a more detailed overview of the complex topic of Mexican *jurisprudencia*, see Serna de la Garza's 2009 article on the topic in the *Mexican Law Review*.²⁰⁴

Also of importance and related to *jurisprudencia* is the *tesis*, which is essentially an abstract of the ruling point of law extracted from an opinion.²⁰⁵ A *tesis jurisprudencial* is a *tesis* that has been deemed to be binding *jurisprudencia*.²⁰⁶ A *tesis aislada*, instead, is a *tesis* that has not been designated as binding *jurisprudencia*, but has the potential to become binding.²⁰⁷ There is a *tesis* classification system in use that places each *tesis* under a general heading.²⁰⁸ The Supreme Court publishes annual Appendices of binding *tesis*, which are available (1917-2011) on the Court's website.²⁰⁹ Judgments that have no potential to become obligatory precedent are called *sentencias* or *ejecutorias*.²¹⁰

Historically, Mexican court opinions have not been easily accessible, both in terms of public availability and general readability,²¹¹ although the availability issue has improved in recent years. The Supreme Court and Collegiate Circuit Court *tesis* (along with some *ejecutorias*) are published in the *Semanario Judicial de la Federación y Su Gaceta*. The voluminous monthly issues of the *Semanario* are organized by parts, including sections for the Supreme Court in plenary, the Supreme Court's two Chambers, and the Collegiate Circuit Courts.

¹⁹⁸ Ley de Amparo, Reglamentaria de los Artículos 103 y 107 de la Constitución Política de los Estados Unidos Mexicanos [LA], Diario Oficial de la Federación [DO], 2 de Abril de 2013.

¹⁹⁹ <http://www.sitios.scjn.gob.mx/leyamparo/>.

²⁰⁰ LA, *supra* note 198, Art. 216.

²⁰¹ LOPJF, *supra* note 173, Art. 232.

²⁰² LA, *supra* note 198, Art. 222.

²⁰³ *Id.* at 217.

²⁰⁴ José María Serna de la Garza, *The Concept of Jurisprudencia in Mexican Law*, 1 MEX. L.REV. 131 no. 2 (New Series) (2009), available at

<http://biblio.juridicas.unam.mx/revista/pdf/MexicanLawReview/2/nte/nte5.pdf>.

²⁰⁵ *Id.* at 141.

²⁰⁶ *Id.*

²⁰⁷ See ZAMORA ET AL., *supra* note 142, at 85.

²⁰⁸ See Serna de la Garza, *supra* note 204, at 141.

²⁰⁹ <http://sif.scjn.gob.mx/sifsist/Paginas/Tesis.aspx>.

²¹⁰ See ZAMORA ET AL., *supra* note 142, at 85.

²¹¹ *Id.* at 96.



Publication of the *Semanario* is divided into ten Epochs (*Épocas*). The first four *Épocas*, encompassing 1871-1910, are historical jurisprudence (*jurisprudencia histórica*) and have no binding force as they were published prior to the 1917 Constitution.²¹² Applicable jurisprudence begins with the fifth *Época* in 1918.²¹³ The tenth *Época* began in 2012. Issues of the *Semanario* in PDF format (from March 2011) are available on the Supreme Court's

website. There is now also a weekly electronic version of the *Semanario* posted on the website that includes *tesis*, as well as the *ejecutorias* from cases involving constitutional controversies and actions for unconstitutionality. In addition, the Court's website has a separate system for searching the post-1917 contents of the *Semanario* by keywords, and then results may be displayed by date, alphabetically by case name (*rubro*), and registration number. The website of the IJJ also offers a way to search for cases by *tesis*,²¹⁴ and the Electoral Tribunal's website contains a search mechanism for locating the *tesis* of that court.²¹⁵

English translations of Mexican court decisions are not systematically published and are not readily available. State court websites may be located via the "Leyes y Poderes Estatales" section of the Chamber of Deputies website under "Poder Judicial del Estado."²¹⁶

SECONDARY SOURCES

A. Dictionaries & Encyclopedias

Julienne Grant, Loyola University Chicago

The purpose of this section is to provide U.S. legal researchers with an overview of dictionaries and encyclopedias in the context of Mexican legal research. Rather than an exhaustive or formal study, this discussion will primarily be based on a review of available literature and searches conducted in the library catalog of UNAM. The discussion will include references to monolingual Spanish language materials, including non-Mexican sources with perceived utility in Mexico, as well as bilingual Spanish-English sources. Rather than attempt to categorize dictionaries and encyclopedias based on formal definitions, sources with *diccionario*, *dictionary*, or the term "*diccionario enciclopédico*" in the title will be considered dictionaries, and sources with *enciclopedia*, *enciclopédica*, or *encyclopedia* will be considered encyclopedias for purposes of this discussion. An Appendix of relevant sources with complete bibliographic information follows the text.

²¹² See AVALOS, *supra* note 196, at 12.

²¹³ *Id.*

²¹⁴ <http://www.juridicas.unam.mx/infjur/leg/jrs/>.

²¹⁵ <http://portal.te.gob.mx/legislacion-jurisprudencia/jurisprudencia-y-tesis>.

²¹⁶ <http://www.diputados.gob.mx/LeyesBiblio/gobiernos.htm>.

DICTIONARIES

a. Monolingual

Authors Helen Claggett and David Valderrama provide a historical overview of Mexican legal dictionaries in their 1973 general work on Mexican law and legal literature.²¹⁷ Claggett and Valderrama trace Mexican legal lexicography back to the 19th century, mentioning a number of early legal dictionaries of importance. Included in this overview is the *Diccionario Razonado de Legislación y Jurisprudencia*, compiled by the Spanish jurist Joaquín Escriche y Martín. Originally published in Paris in 1831, Escriche's work was subsequently updated and published in Mexico—first in 1837 and then again in 1842.²¹⁸ Various versions of this work are available in PDF on the World Wide Web, including an 1851 edition posted on IJJ-UNAM's "Biblioteca Jurídica Virtual."²¹⁹ Also noteworthy is the *Vocabulario de Jurisprudencia*, which Mexican jurist Isidro Antonio Montiel y Duarte compiled. An 1878 version of this work is also available in PDF format via the IJJ website.²²⁰



Currently, a wide array of monolingual legal dictionaries is published in Mexico. A selected list of these is included in the Appendix to this article, but worthy of mention here is IJJ's *Diccionario Jurídico Mexicano*. Originally published between 1982 and 1985 as an eight-volume set, a PDF version is available via the IJJ website.²²¹ The *Diccionario* has seemingly gone through a number of subsequent reprints and editions, and appears most recently as a four-volume set published in 2009 by Porrúa/UNAM entitled *Nuevo Diccionario Jurídico Mexicano*. According to a description on the Porrúa website, this new version is a deep revision of the prior edition, in view of the rapid changes Mexican law has undergone in recent years.²²²

Online Mexican legal dictionaries posted on the Web are also available for consultation. *DiccionarioJurídico.mx*,²²³ for example, offers almost 2,000 defined terms at the time of this writing. Definitions are provided based on the categories of legislation, doctrine, or jurisprudence, with each being directly sourced. According to Oscar Montoya, the site's coordinator, the dictionary is edited by a group of Mexican attorneys,

²¹⁷ HELEN L. CLAGGETT & DAVID M. VALDERRAMA, A REVISED GUIDE TO THE LAW & LEGAL LITERATURE OF MEXICO 429-32 (1973).

²¹⁸ See María del Refugio González, *El Derecho Indiano en el Diccionario de Escriche Anotado por Rodríguez de San Miguel*, in 1 MEMORIA DEL X CONGRESO DEL INSTITUTO INTERNACIONAL DE HISTORIA DEL DERECHO INDIANO 543 (1995), available at <http://biblio.juridicas.unam.mx/libros/2/820/29.pdf>.

²¹⁹ <http://biblio.juridicas.unam.mx/libros/libro.htm?l=364>.

²²⁰ <http://biblio.juridicas.unam.mx/libros/libro.htm?l=1482>.

²²¹ <http://biblio.juridicas.unam.mx/libros/> (conduct a title search to pull up the individual volumes).

²²² <http://www.porrua.mx/pagina-interior.php?id=156703>.

²²³ <http://www.diccionariojuridico.mx/>.

and there are plans to create an app for the dictionary.²²⁴ A number of other Web-based legal dictionaries are available, including the *Diccionario Jurídico*, which the law school of the Tecnológico de Monterrey (State of Mexico campus) sponsors.²²⁵ This online dictionary categorizes terms by area of law and is directly sourced from other dictionaries.

Also available and utilized in Mexico are Spanish-language legal dictionaries published in other Hispanic countries. Argentine attorney and lexicographer Guillermo Cabanellas de las Cuevas, for example, has carried on the work of his father, also an attorney and lexicographer. The Cabanellas' *Diccionario Jurídico Elemental* is now in its 19th edition, and the *Diccionario Enciclopédico de Derecho Usual* is in its 30th (both are published by Buenos Aires-based Heliasta).²²⁶ According to UNAM's general library catalog, the UNAM law school holds a number of copies of the Cabanellas dictionaries. Legal dictionaries published in Spain, such as the the *Diccionario Jurídico Espasa*, are also held by UNAM's law school. Bibliographic information for the aforementioned titles is included in the Appendix.

A plethora of specialized monolingual legal dictionaries is also published and available in Mexico—the titles too numerous to discuss here. Searches in UNAM's library catalog combining *diccionario* with an area of law, such as *derecho penal*, will yield associated titles. Similar searches of Porrúa's site will yield a list of specialized dictionaries that Mexican publisher offers. A few specialized legal dictionaries are posted in PDF format on the IIJ website, including the 2009 *Diccionario de Teoría Jurídica* (Brian H. Bix), which was originally published in English in 2004.²²⁷ A list of example titles of subject-specific legal dictionaries published in Mexico, as well as in Argentina and Spain, is provided in the Appendix.

Anecdotal evidence suggests that Mexican legal researchers, along with Spanish-English legal translators, indeed utilize monolingual Spanish dictionaries in their work. Claggett and Valderrama, for example, commented that the original and second editions of the aforementioned *Diccionario Razonado de Legislación y Jurisprudencia*, “are still used extensively for consultation.”²²⁸ Several books on Mexican legal research also examined for this discussion recommend the use of legal dictionaries at the early stages of investigation.²²⁹ This author's recent correspondence with a Mexican attorney additionally indicates that Mexican legal practitioners do utilize dictionaries for



²²⁴ E-mail from Oscar Montoya, Coordinator, *DiccionarioJurídico.mx*, to author (April 30, 2014) (on file with author).

²²⁵ <http://www.cem.itesm.mx/derecho/referencia/diccionario/>.

²²⁶ E-mail from Guillermo Cabanellas de las Cuevas, to author (May 12, 2014) (on file with author).

²²⁷ <http://biblio.juridicas.unam.mx/libros/libro.htm?l=2631>.

²²⁸ CLAGGETT & VALDERRAMA, *supra* note 217, at 429.

²²⁹ See JORGE WITKER, *LA INVESTIGACIÓN JURÍDICA* 27 (1995); LEONCIO LARA SÁENZ, *PROCESOS DE INVESTIGACIÓN JURÍDICA* 75 (1991).

research.²³⁰ Further, in a 2010 piece on Spanish-English legal translation, interpreter and professor Gladys Matthews noted that “citations of Spanish dictionaries, both mono- and bi-lingual, have increased in the legal literature in recent years,”²³¹ and she includes several Mexican monolingual legal dictionaries in her annotated bibliography of relevant sources.

Empirical evidence of the use of monolingual Spanish dictionaries by Mexican jurists and Spanish-English legal translators, however, is scarce; only one such study was located. In 2007, law librarian Sergio Stone (now at Stanford) published the results of an investigation into the use of dictionaries in U.S. and Latin American courts, including



Mexico.²³² As part of the study, Stone looked at dictionary citations in Mexican Supreme Court opinions between 1917 and 2006 and found that the most-often cited dictionary was actually the *Diccionario de la Lengua Española* (Real Academia Española).²³³ The voluminous Real Academia dictionary (also known by its acronym DRAE) is now in its 22nd edition (2001) and is generally considered to be the most authoritative dictionary of the Spanish language. The DRAE is readily available

online²³⁴ and also as an app. It is interesting to note that a study of the U.S. Supreme Court’s dictionary citations in its recent opinions also revealed general usage dictionaries to be the most oft-cited type of dictionary (74 percent of the time in majority opinions that cited dictionaries).²³⁵

b. Bilingual

In 2008, Rutgers law librarian Dennis Kim-Prieto published an excellent article on Spanish-English legal dictionaries that is highly recommended to interested readers.²³⁶ Along with providing suggestions for evaluating these types of dictionaries, Kim-Prieto includes an extensive annotated bibliography that comments on the utility of 16 titles. In the article, Kim-Prieto explains that geographic variations in legal terminology are generally addressed in these sources by providing cross coverage of jurisdictions, or by

²³⁰ E-mail from Erika Muñiz Ramírez, Katz Law Office, Mexico City, to author (March 25, 2014) (on file with author).

²³¹ Gladys Matthews, *An Annotated Bibliography of Spanish-English Legal Translation and Interpretation*, 19 PROTEUS: THE NEWSLETTER OF THE NATIONAL ASSOCIATION OF JUDICIARY INTERPRETERS AND TRANSLATORS 9 (2010).

²³² Sergio D. Stone, *A Study of Dictionaries in U.S. and Latin American Courts*, 36 COLORADO LAWYER 115 (2007), available at <http://www.aallnet.org/chapter/coall/pubs/lrc/lrc0807.pdf>.

²³³ *Id.* at 117.

²³⁴ <http://www.rae.es/recursos/diccionarios/drae>.

²³⁵ James J. Brudney & Lawrence Baum, *Oasis or Mirage: The Supreme Court's Thirst for Dictionaries in the Rehnquist and Roberts Eras*, 55 WM. & MARY L. REV. 483, 529 (2013), available at <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=3503&context=wmlr>.

²³⁶ Dennis C. Kim-Prieto, *En la tierra del ciego, el tuerco es rey: Problems with Current English-Spanish Legal Dictionaries, and Notes toward a Critical Comparative Legal Lexicography*, 100 L. LIBR. J. 251 (2008), available at http://www.aallnet.org/main-menu/Publications/llj/LLJ-Archives/Vol-100/pub_llj_v100n02/2008-14.pdf.

limiting the scope of coverage to one country.²³⁷ As an example of the former, the author highlights *Dahl's Law Dictionary/Diccionario Jurídico Dahl* (now in its 2010 5th edition), which provides definitions based on a multitude of Spanish and Latin American



legal sources. In terms of single country coverage, Kim-Prieto discusses University of San Diego law professor Jorge A. Vargas' *Mexican Legal Dictionary and Desk Reference*, which was published in 2003.

A number of bilingual legal dictionaries that focus on Mexico are currently available, including an updated edition of the Vargas title reviewed in Kim-Prieto's piece. Now entitled

Mexican Legal Dictionary (2012), the work is divided into four parts: "Guide to Terms of the English Language," "Guide to Terms of the Spanish Language," a dictionary, and appendices. The bulk of the work is the actual dictionary section, which is organized alphabetically by terms in English, which are accompanied by a Spanish translation, an explanation of the term in English, and a citation to primary law in most instances. The appendices include abbreviations, legal terms and acronyms, texts of various U.S.-Mexico bilateral agreements, samples of Mexican legal documents, and a glossary of selected Latin legal terms. The Vargas dictionary is held widely by U.S. libraries and is available in Westlaw.

Other bilingual dictionaries that focus on Mexico are Javier Becerra's two-volume *Diccionario de Terminología Jurídica Mexicana (Español/Inglés)*, which is now in its second edition (2011). This work, published by the Escuela Libre de Derecho, by all accounts is highly regarded by legal translators.²³⁸ Although the second edition is not held widely in the U.S., the 1999 first edition is available in almost 50 U.S. libraries. Another Mexico-specific legal dictionary is Julio Romañach, Jr.'s 2012 *Dictionary of Mexican Law*, which is held by about 40 U.S. libraries. According to the publisher (Lawrence):

Most definitions are derived from and cite to primary sources. The definitions purport to provide an exposition of the meaning of a particular term or phrase in Mexican law, with legislative context in many instances. The author translated many Mexican legislative enactments into English while writing this dictionary and included significant excerpts from those translations...²³⁹

Mr. Romañach, a Cuban-born attorney, has published other Spanish-English legal dictionaries that are reviewed in Dennis Kim-Prieto's article.²⁴⁰

Also worthy of mention in a discussion of Spanish-English legal dictionaries are works that fall within the general category of "Legal Spanish." These sources often contain dictionaries, as well as phrase translations. Included in this genre is another

²³⁷ *Id.* at 268.

²³⁸ See e.g., <http://www.linkedin.com/groups/Hi-all-I-need-help-1895524.S.157394657>.

²³⁹ <http://pjlawrence.com/id13.html>.

²⁴⁰ Kim-Prieto, *supra* note 236, at 275-76.

work by Julio Romañach, Jr., which is also reviewed in Kim-Prieto's article.²⁴¹ In 2010, the American Bar Association (ABA) published the *Spanish Legal Phrasebook*, which is essentially a pocket-sized Spanish-English dictionary, divided by area of law. Carolina Academic Press is scheduled to release the title *Speak Spanish Now for Law Offices* (Brian K. Jones, 2014), which purports to target paralegals and law assistants who work with Spanish-speaking clients. The latter two titles do not appear to specifically focus on the legal language of Mexico, however.

ENCYCLOPEDIAS

Although not as numerous as dictionaries in terms of the quantity of published titles, legal encyclopedias are also available and utilized in Mexico. Claggett and Valderamma trace the history of Mexican legal encyclopedias in their aforementioned work, specifically mentioning the *Enciclopedia de la Ciencia Jurídica y de Legislación Mexicana*, which Antonio Robles Ortigosa began to compile in 1921.²⁴² However, only two volumes of this work were completed--the first of which is available in PDF format via the IJJ website.²⁴³

Contemporary Mexican legal encyclopedias of importance include the IJJ's *Enciclopedia Jurídica Mexicana* and the Escuela Libre de Derecho's *Obra Jurídica Enciclopédica*. The second edition of the former title (published in 2004 by UNAM/Porrúa) consists of 12 volumes, covering 31 broad topics, encompassing over 10,000 pages. There is also a third edition of this encyclopedia published in six volumes in 2008, although this set is not widely held at UNAM, and does not appear to be available in any U.S. libraries. The Escuela Libre de Derecho set, published in 2012, consists of 43 volumes and includes over 500 essays. The O'Quinn Law Library at the University of Houston is the only U.S. library that seemingly owns this voluminous set.

Also worthy of mention is the *Enciclopedia Jurídica Latinoamericana*, another IJJ project. This ten-volume set, published in 2006, spans over 7,000 pages and includes entries written by Argentine legal scholars. Only a handful of U.S. libraries own this work. Several notable Spanish-language legal encyclopedias published outside of Mexico are listed in the Appendix, including the well-known Argentine set, *Enciclopedia Jurídica OMEBA*, which is also offered in a Web-based format. Specialized Spanish-language legal encyclopedias are also available, although those will not be addressed in this discussion.

CONCLUSION

Both general and subject-specific legal dictionaries and encyclopedias are published and available in Mexico, although empirical studies of their use are almost non-existent. Sergio Stone's article on dictionary use provides some insight into dictionary use in the Mexican Supreme Court, indicating that the general usage DRAE is actually the most utilized dictionary there. As discussed, IJJ-UNAM is a major publisher (often partnering

²⁴¹ JULIO ROMAÑACH, JR., *TEACH YOURSELF—LEGAL SPANISH: BILINGUAL GUIDE TO THE LEGAL TERMINOLOGY AND LAWS OF LATIN AMERICA AND SPAIN=MANUAL DE TERMINOLOGÍA JURÍDICA Y LEGISLACIÓN DE AMÉRICA LATINA Y ESPAÑA: EDICIÓN BILINGÜE* (1999).

²⁴² CLAGGETT & VALDERRAMA, *supra* note 217, at 431.

²⁴³ <http://info5.juridicas.unam.mx/libros/libro.htm?l=301>.

with Porrúa) of legal dictionaries and encyclopedias in Mexico, and some of those titles are available in PDF format via the “Biblioteca Jurídica Virtual.” There are also several Mexican legal dictionaries available now on the Web, including *diccionariojuridico.mx*. Of greatest interest to non-Spanish-speaking law librarians are the Spanish-English legal dictionaries, some of which focus on the legal vocabulary of Mexico and may be of value in answering queries related to Mexican law.

APPENDIX²⁴⁴

Monolingual General Legal Dictionaries

Mexican

Carbonell, Miguel. *Diccionario Jurídico Básico*. 2nd ed. (México: UNAM/Porrúa, 2013).

Chávez Castillo, Raúl. *Diccionario Práctico de Derecho*. 2nd ed. (México: Porrúa, 2009).

Departamento de Derecho, Campus Estado de México, Tecnológico de Monterrey, *Diccionario Jurídico*, available at <http://www.cem.itesm.mx/derecho/referencia/diccionario/>.

García Saavedra, José David. *Diccionario Jurídico Mexicano*. (México: Pearson Educación de México, 2012).

Montoya, Oscar, coord. Comunidad Jurídica. *Diccionario Jurídico*, available at <http://www.diccionariojuridico.mx/>.

Orizaba Monroy, Salvador. *Diccionario Jurídico: el ABC del Derecho, Términos Jurídicos y Administrativos*. (México: Sista, 2008).

Palomar de Miguel, Juan. *Diccionario para Juristas*. 2 vols. 3rd ed. (México: Porrúa, 2008).

de Pina, Rafael, Rafael de Pina Vara, and Juan Pablo de Pina García. *Diccionario de Derecho*. 37th ed. (México: Porrúa, 2013).

Universidad Autónoma de México, Instituto de Investigaciones Jurídicas. *Diccionario Jurídico Mexicano*. 8 vols. (México: UNAM/ Porrúa, 1982-85). Also available in PDF format in UNAM-IIJ’s “Biblioteca Jurídica Virtual.” Various subsequent editions.

Universidad Autónoma de México, Instituto de Investigaciones Jurídicas. *Nuevo Diccionario Jurídico Mexicano*. 4 vols. (México: UNAM/ Porrúa, 2009).

²⁴⁴ The author wishes to thank Ms. Erika Muñiz Ramírez of Katz Law Office (Mexico City) for her assistance in compiling this Appendix.

Non-Mexican

Ackerman, Mario E., et al. *Diccionario Jurídico*. 2 vols. (Buenos Aires: Rubinzal-Culzoni, 2012).

Cabanellas de Torres, Guillermo, and Guillermo Cabanellas de las Cuevas. *Diccionario Jurídico Elemental*. 19th ed. (Buenos Aires: Heliasta, 2008).

Cabanellas de Torres, Guillermo, and Guillermo Cabanellas de las Cuevas. *Diccionario Enciclopédica de Derecho Usual*. 8 vols. 30th ed. (Buenos Aires: Heliasta, 2008).

Cabanellas de Torres, Guillermo, and Ana María Cabanellas de las Cuevas. *Diccionario Jurídico Universitario*. 2 vols. 3rd ed. (Buenos Aires: Heliasta, 2007).

Capitant, Henri. Aguiles Horacio Guaglianone, trans. *Vocabulario Jurídico*. (Buenos Aires: DePalma, 1986). Originally published in French as *Vocabulaire Juridique*.

Escrache y Martín, Joaquín. Juan Rodríguez de San Miguel, notes and additions, and María del Refugio González, ed. *Diccionario Razonado de Legislación Civil, Penal, Comercial y Forense*. (México: UNAM, 1993). First published in Mexico in 1837. Various editions available in PDF on the World Wide Web. An 1851 version is available in PDF in UNAM-IIJ's "Biblioteca Jurídica Virtual" at <http://biblio.juridicas.unam.mx/libros/libro.htm?l=364>.

Fundación Tomás Moro, *Diccionario Jurídico Espasa*. (Madrid: Espasa, 2007).

Ramírez Gronda, Juan D., and Ana María Cabanellas de las Cuevas, ed. *Diccionario Jurídico*. 12th ed. enlarged. (Buenos Aires: Claridad, 2003).

Ribó Durán, L. María. *Diccionario del Derecho*. 4th ed. (Barcelona: Bosch, 2012).

Valletta, María Laura. *Diccionario Jurídico*. (Buenos Aires: Valletta Ediciones, 2013).

Specialized Legal Dictionaries

Álvarez Sacristán, Isidoro. *Diccionario Jurídico-Laboral*. (Madrid: Civitas, 1992).

Bix, Brian H. Enrique Rodríguez Trujano, and Pedro A. Villarreal Lizárraga, trans. *Diccionario de Teoría Jurídica*. (México: UNAM/IIJ, 2009). Also available in PDF format in UNAM-IIJ's "Biblioteca Jurídica Virtual" at <http://biblio.juridicas.unam.mx/libros/libro.htm?l=2631>. This work was originally published in English in 2004 by Oxford University Press.

Burgoa Orihuela, Ignacio. *Diccionario de Derecho Constitucional, Garantías y Amparo*. 8th ed. (México: Porrúa, 2005).

Cabanellas de Torres, Guillermo, Guillermo Cabanellas de las Cuevas, and Claudia Cecilia Flaibani. *Diccionario de Derecho Laboral*. 2nd ed. (Buenos Aires: Editorial Heliasta, 2001).

Díaz de León, Marco Antonio. *Diccionario de Derecho Procesal Penal y de Términos Usuales en el Proceso Penal*. 2 vols. 5th ed. (México: Porrúa, 2004).

Ferrer Mac-Gregor, Eduardo, Fabiola Martínez Ramírez, and Giovanni A. Figueroa Mejía, coords. *Diccionario de Derecho Procesal Constitucional y Convencional*. 2 vols. (México: Poder Judicial de la Federación, 2014), available at <http://www.cjf.gob.mx/diccionarioDPCC/>.

Muñoz Machado, Santiago, ed. *Diccionario de Derecho Administrativo*. 2 vols. (Madrid: Iustel, 2005).

Pallares Portillo, Eduardo. *Diccionario de Derecho Procesal Civil*. 29th ed. (México: Porrúa, 2008).

Bilingual Legal Dictionaries

Alcaraz Varó, Enrique, Brian Hughes, and Miguel Ángel Campos Pardillos. *Diccionario de Términos Jurídicos Inglés-Español Spanish-English*. 11th updated ed. (Barcelona: Ariel, 2012).

Becerra, Javier F. *Diccionario de Terminología Jurídica Mexicana, Español/Inglés*. 2nd ed. (México: Escuela Libre de Derecho, 2011).

Dahl, Henry Saint. *Dahl's Law Dictionary Diccionario Jurídico Dahl, Spanish-English/English-Spanish*. 5th ed. (Buffalo: Hein, 2010).

Romañach, Jr., Julio. *Dictionary of Mexican Law*. (Baton Rouge: Lawrence, 2012).

Vargas, Jorge A. *Mexican Legal Dictionary*. (St. Paul: Thomson/West, 2012).

Monolingual General Legal Encyclopedias

Mexican

Universidad Autónoma de México, Instituto de Investigaciones Jurídicas. *Enciclopedia Jurídica Mexicana*. 12 vols. 2nd ed. (México: UNAM/Porrúa, 2004).

Universidad Autónoma de México, Instituto de Investigaciones Jurídicas. *Enciclopedia Jurídica Mexicana*. 6 vols. 3rd ed. (México: UNAM/Porrúa, 2008-).

Universidad Autónoma de México, Instituto de Investigaciones Jurídicas. *Enciclopedia Jurídica Latinoamericana*. 10 vols. (México: UNAM/Porrúa, 2006).

Pampillo Baliño, Juan Pablo, and Manuel Alejandro Munive Páez, coords. *Obra Jurídica Enciclopédica*. 43 vols. (México: Escuela Libre de Derecho, Centro de Investigación e Informática Jurídica/Porrúa, 2012).

Robles Ortigosa, Antonio. *Enciclopedia de la Ciencia Jurídica y de Legislación Mexicana*. (México: Botas, 1921-). Volume I is available in PDF in UNAM-IIJ's "Biblioteca Jurídica Virtual" at <http://info5.juridicas.unam.mx/libros/libro.htm?l=301>.

Non-Mexican

Arnaldo Alcubilla, Enrique. *Enciclopedia Jurídica*. (Madrid: La Ley, 2008-2009).

Montoya Melgar, Alfredo, ed. *Enciclopedia Jurídica Básica*. 4 vols. (Madrid: Civitas, 1995).

Ossorio y Florit, Manuel, et al. *Enciclopedia Jurídica OMEBA*. 35 vols. (Buenos Aires: Driskill, 1979-). Online version is available with a subscription.

Pellisé Prats, Buenaventura, ed. *Nueva Enciclopedia Jurídica*. 18 vols. (Barcelona: Francisco Seix, 1985-).

B. Treatises, Textbooks, & Monographs

Julienne Grant, Loyola University Chicago



Part of the vast array of legal literature published in Mexico are treatises, textbooks, and monographs.²⁴⁵ Porrúa (Librería Porrúa Hermanos y Cía S.A. de C.V.) is the main and best known commercial legal publisher in Mexico with a complete line of law books; its “Biblioteca Jurídica Porrúa” even has its own blog.²⁴⁶ Academic institutional publishers also contribute to the large body of secondary legal materials in Mexico—the most recognized and

prolific being UNAM’s Instituto de Investigaciones Jurídicas (IIJ), which often partners with Porrúa. There is a comprehensive list of Mexican legal publishers in the third edition of *The Mexican Legal System* (Avalos, 2013).²⁴⁷ It should also be noted that legal secondary works published outside of Mexico, most particularly in Argentina and Spain, are also available and utilized in Mexico.

Treatises

A discussion of treatises (*tratados*) in the context of Mexican legal research cannot proceed without a brief foray into the concept of *doctrina* (doctrine). *Doctrina* is secondary legal literature; that is, commentaries in books and journals. Mexican legal treatises fall into the general category of *doctrina* and are often collectively referred to as such.

Doctrina plays an important role in civil law jurisdictions and Mexico is no exception. Although *doctrina* does not carry the full force of law, it enjoys high prestige and can be extremely influential in the development of Mexican constitutional reforms, legislation,

²⁴⁵ For an overview of the early history of legal literature in Mexico, including these types of resources, see CLAGGETT & VALDERRAMA, *supra* note 217.

²⁴⁶ <http://bibliotecajuridicaporrua.wordpress.com/>.

²⁴⁷ See AVALOS, *supra* note 196, at 324.

and jurisprudence.²⁴⁸ Certain authors, for example the constitutional scholar Héctor Fix-Zamudio, tend to carry more weight than others, and the work of the IJJ is especially well respected.²⁴⁹

Mexican legal treatises are abundant and a full list will not be included here. The Porrúa website lists its many published treatises and searches in the UNAM library catalog will also yield titles. Bibliographies of Mexican treatises and other legal materials are listed in various sources, including the Avalos book mentioned above. The Mexican legal magazine, *El Mundo del Abogado*, published in 2011 its list of the 25 most influential Mexican law books.²⁵⁰ IJJ-UNAM's "Biblioteca Jurídico Virtual" includes a number of treatises in PDF format.²⁵¹ Mexican legal treatises, as well as textbooks and monographs, are not generally translated into English.

Textbooks

Mexican law professors assign a variety of materials for their classes—the content dependent upon the subject and professor. Classic treatises and textbooks may be assigned, along with the applicable primary codes, in traditional subjects like contracts. In more non-traditional subjects, such as antitrust or intellectual property, professors may also assign articles and cases. Currently, there is a general trend to include more case studies as part of law students' coursework in Mexico. The Supreme Court, for example, now makes available a CD with its *tesis* available for study.²⁵²

Oxford University Press México publishes a series of law textbooks, *Textos Jurídicos Universitarios*, which contains nearly 100 titles.²⁵³ Some of the books are now available as electronic books, and some are also accompanied by a CD that includes applicable legislation, rules, treaties, *tesis*, and other materials. Some U.S. libraries hold titles from the series, which may be located by searching with the series name or an individual title. IURE Editores also publishes a series of legal textbooks, *Colección Textos Jurídicos*, for Mexican and other Latin American law students.²⁵⁴ A few of these titles are held by U.S. libraries.



²⁴⁸ See ZAMORA ET AL., *supra* note 142, at 88.

²⁴⁹ *Id.* at 89.

²⁵⁰ <http://elmundodelabogado.com/2011/los-25-libros-juridicos-mas-influyentes-en-mexico/>.

²⁵¹ See <http://biblio.juridicas.unam.mx/estlib/>.

²⁵² The information in this paragraph was derived from e-mail correspondence with three Mexican attorneys: David Hurtado Badiola (June 11, 2014), Oscar Montoya (June 10, 2014), and Erika Muñoz Ramírez (June 5, 2014). All correspondence is on file with the author.

²⁵³ <http://issuu.com/oupmx/docs/oupmx-catalogo-derecho-2014>.

²⁵⁴ <http://www.iureeditores.com/fondo.php>.

Monographs

Legal monographs, not formally classified as treatises, are also published in Mexico. See the above paragraph on treatises for ideas on locating these titles. As aforementioned, Mexican legal treatises and monographs are not generally translated into English, so a small body of original work in English on Mexican law has developed. Among the authors of these works are Stephen Zamora (University of Houston), Jorge Vargas (University of San Diego), and Francisco Avalos (now retired from the University of Arizona). The 2004 title, *Mexican Law*, which was co-authored by Professor Zamora and four others, remains one of the most well-respected tomes on the topic. According to Professor Zamora, a new edition of this title is in the works, with a target publication date in the first half of 2015.²⁵⁵

Wolters Kluwer Law & Business has published several titles on Mexican law in English, including José Antonio Márquez González' *Family Law in Mexico* (2012). Wolters Kluwer also offers titles on Mexican environmental law, cyber law, energy law, and labor compliance. It should also be noted that general works on the topic of Latin American law, such as Ángel R. Oquendo's *Latin American Law* (Foundation Press, 2011), may also be useful for researching Mexican law in English.



C. Law Reviews

Sergio Stone, Stanford University

Mexico enjoys a long tradition of academic legal journal publishing, and law review articles are important constituents of Mexican legal doctrine. However, online holdings of legal journals are scattered among numerous free and subscription databases. There has been a growth in practitioner-based journals in recent years, but these are not usually collected by U.S. academic libraries. A boon to non-Spanish-speaking researchers is the recent addition of English-language article abstracts in Mexican law journals. These abstracts assist with locating relevant journal literature and promote the global dissemination of Mexican legal scholarship. A highly recommended research guide is Marisol Floren-Romero's article, "Mapping the Digital Legal Information of Mexico, Central America, the Spanish Speaking Caribbean and Haiti," which provides an excellent overview of the free and commercial databases devoted to Mexican legal journals.²⁵⁶

The two most prestigious law schools in Mexico have taken the lead in creating open access journal repositories.²⁵⁷ UNAM, the largest and leading academic law school in the country, has placed hundreds of journal volumes online. Similarly, Centro de

²⁵⁵ E-mail from Professor Stephen Zamora, to author (June 12, 2014) (on file with author).

²⁵⁶ Marisol Floren-Romero, *Mapping the Digital Legal Information of Mexico, Central America, the Spanish Speaking Caribbean and Haiti*, SSRN Working Paper (July 26, 2011), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1895626. See particularly pages 7-10.

²⁵⁷ El Universal, Mejores Universidades de México Derecho, <http://mejoresuniversidadesdemexico.mx/?q=node/43>. El Universal newspaper annually ranks the top overall and best academic law schools in Mexico.

Investigación y Docencia Económicas (CIDE) has placed its four journals and its legal working paper series online. See below for detailed descriptions.

English-Language Journals

IIJ-UNAM publishes the *Mexican Law Journal* and the *Comparative Media Law Journal* exclusively in English. Other UNAM journals that occasionally publish articles in English are *Anuario Mexicano de Derecho Internacional*, *Cuestiones Constitucionales*, *Derecho Comparado de la Información*, and *Problema: Anuario de Filosofía y Teoría del Derecho*.



Latin Lawyer,²⁵⁸ published by Law Business Research, is the leading English-language journal for practitioners that covers business law and Mexican law firms. Only a handful of U.S. academic law libraries collect issues of *Latin Lawyer* because of the magazine's high subscription cost.

Here is a list of U.S. law reviews that have traditionally included articles on Mexican law and are available in HeinOnline, WestlawNext, Lexis Advance, or Bloomberg Law:

- *American Journal of International Law*
- *Arizona Journal of International & Comparative Law*
- *Houston Journal of International Law*
- *International Lawyer*
- *International Tax Review*
- *Law & Business Review of the Americas* (formerly *NAFTA: Law & Business Review of the Americas*)
- *Southwestern Journal of International Law* (formerly *Southwestern Journal of Law and Trade in the Americas*)
- *Texas International Law Journal*
- *United States-Mexico Law Journal* (1993-2005)
- *University of Miami Inter-American Law Review* (formerly *Lawyer of the Americas*)

Spanish-Language Journals

The “Biblioteca Jurídica Virtual,” the online portal of IIJ-UNAM, has placed 47 full-text journals on its “Estantería de Revistas.”²⁵⁹ All 47 journals can be searched by title, keywords, and author. Twelve journals have enhanced home pages that permit full-text searching of all articles. These 12 publications are indicated by the heading: “*Estrenamos publicaciones periódicas que presentan nuevas características y*

²⁵⁸ <http://latinlawyer.com/>.

²⁵⁹ <http://biblio.juridicas.unam.mx/estrev/>.

presentación.” It should be noted that downloading of articles is possible, but that printing is not.

IJJ-UNAM's Jorge Carpizo Library maintains the *Catálogo de Títulos de Revistas*,²⁶⁰ which alphabetically lists 148 Mexican journals, including many journals from state law schools and institutions. Unfortunately, no links are provided. The Jorge Carpizo Library also produces the *Avance Hemerográfico Jurídico*,²⁶¹ a monthly table of contents service of all journals received that month by the Library. This is a good site to consult when completing a literature review or reviewing the latest scholarship. CIDE's legal working paper series, *Documentos de Trabajo del CIDE, División de Estudios Jurídicos*,²⁶² is available online for free. CIDE's four flagship journals are not devoted exclusively to law, but occasionally publish articles related to regulatory agencies and public law.



Iberoamerican research institutions have created a number of free bibliographic databases of academic journals. Some provide full text, while others only offer basic citations or abstracts in English and Spanish. These open-access databases are multidisciplinary and include publications from Mexico, other Latin American countries, and the Iberian peninsula. These databases allow researchers to limit searches by topic and/or country.

Dialnet²⁶³ (Universidad de la Rioja, Spain) includes 21 Mexican law journals. Selective full-text content is available for 18 journals. The remaining three titles list only citations. Some journals provide English abstracts, at least for the more recent volumes. Dialnet offers search functionality in English.

Latindex,²⁶⁴ produced by UNAM, is an index of Latin American, Spanish and Portuguese periodical titles offering content similar to *Ulrich's Periodicals Directory*, such as institutional affiliation, date of first publication, ISSNs and contact information. It offers bibliographic information for over 80 Mexican legal journals, including links to journals with online content. The advanced search page allows the researcher to locate journals by legal specialty. Latindex lacks an English search interface and does not provide full text of articles or table of contents information.

Redalyc²⁶⁵ (*Red de Revistas Científicas de América Latina y el Caribe, España y Portugal*) has only three exclusively law-related Mexican journals, but many political science and governance-related titles. Redalyc offers full text of articles, abstracts in

²⁶⁰ <http://www.juridicas.unam.mx/infjur/bib/revistas/revpais.htm?p=M%E9xico>.

²⁶¹ <http://www.juridicas.unam.mx/infjur/bib/avance/>.

²⁶² <http://www.cide.edu/dts.php?d=4>.

²⁶³ <http://dialnet.unirioja.es/>.

²⁶⁴ <http://www.latindex.unam.mx/>.

²⁶⁵ <http://www.redalyc.org/home.oa>.

English and Spanish, and search functionality in English. The site is maintained by the Universidad Autónoma del Estado de México.

SciELO Mexico²⁶⁶ (Scientific Electronic Library Online), maintained by UNAM, provides full text to four Mexican law journals: *Anuario Mexicano de Derecho Internacional*, *Boletín Mexicano de Derecho Comparado*, *Cuestiones Constitucionales*, and *IUS Revista del Instituto de Ciencias Jurídicas de Puebla*. English and Spanish abstracts are also available.

Subscription Databases

Index to Foreign Legal Periodicals (IFLP), available on HeinOnline, includes seven of the leading academic Mexican law journals: five from UNAM, one from Escuela Libre de Derecho, and one from the Academia Mexicana de Derecho Internacional Privado y Comparado:

- *Anuario Mexicano de Derecho Internacional* (UNAM)
- *Anuario Mexicano de Historia del Derecho* (UNAM)
- *Boletín Mexicano de Derecho Comparado* (UNAM)
- *Revista de Investigaciones Jurídicas* (ELD)
- *Revista de la Facultad de Derecho de México* (UNAM)
- *Revista Latinoamericana de Derecho* (UNAM)
- *Revista Mexicana de Derecho Internacional Privado y Comparado* (AMEDIP)

vLex²⁶⁷ contains over 40 Mexican legal journals in full text, many in PDF format. Particularly helpful is vLex's full text search capability. vLex includes legal practice, human rights, tax, and general law journals. Many of these specialized journals are not included in the journal database portals described above.

ONLINE RESOURCES

A. Online Resources

Jootaek Lee, Northeastern University

There are numerous commercial and free Web-based online resources available with coverage of Mexican law and legal topics. The following is not an exhaustive list, but rather it attempts to recognize several core resources; some are exclusively in Spanish, while others will be valuable to English speakers. Researchers should note the availability of excellent online guides in English that aggregate Mexican law resources, such as those offered on the websites of the Law Library of Congress and the Tarlton Law Library (University of Texas at Austin). Also noteworthy are the websites of Mexican newspapers (some published in English) that can be valuable for locating information on current developments in Mexican law. Not included in this list is GLIN (Global Legal Information Network), a free database that once provided excellent

²⁶⁶ <http://www.scielo.org.mx/scielo.php?lng=en>.

²⁶⁷ <http://us.vlex.com/>.

indexed access to foreign law, including Mexico. It is unknown whether this valuable source, formerly hosted by the Law Library of Congress, will make a reappearance.

A. Foreign Law Guide (also known as Reynolds & Flores)

- a. This subscription database, offered through Brill, is a staple in the area of foreign legal research. Included are brief overviews of the legal systems of about 190 jurisdictions, as well as lists of each jurisdiction's codes, court reports, and other significant legal literature.
- b. The entry for Mexico provides a comprehensive overview of the judicial system, as well as descriptions of primary sources and notable secondary sources. References to the primary law related to specific topics are also included (with live links, if available).



B. Index to Foreign Legal Periodicals (IFLP)

- a. The *Index to Foreign Legal Periodicals* (IFLP), which is available via HeinOnline, indexes over 500 legal journals published worldwide. Some of the Mexican legal periodicals covered are the *Revista de la Facultad de Derecho de México* and the *Revista de Investigaciones Jurídicas*.
- b. According to the database, there are currently 1,552 articles related to Mexico listed in the *Index*. The majority of these are in Spanish.

C. Instituto de Investigaciones Jurídicas (IIJ)

<http://www.juridicas.unam.mx/>

- a. The IIJ is part of the Universidad Nacional Autónoma de México (UNAM) and is located next to the UNAM campus in Mexico City. The IIJ is considered to be the preeminent legal research center in Mexico, and the Institute publishes numerous monographs and scholarly journals on Mexican law, including the English-language *Mexican Law Review*.
- b. The IIJ website is densely populated with accessible research materials related to Mexican law (primarily in Spanish). The “Biblioteca Jurídica Virtual” includes hundreds of monographs in PDF format, as well as the full texts of a variety of Mexican legal periodicals. It should be noted that, although the PDF files may be downloaded, they are not printable.

D. Justia México

<http://mexico.justia.com/>

- a. Justia México is a free legal website. Justia México covers current federal legislation (*Leyes Federales*) and state legislation (*Leyes Estatales*).
- b. Federal legislation is organized into: Constitution (*Constitución*), legislation (*Leyes*), codified laws (*Códigos*)—Federal Civil Code (*Código Civil Federal*), Federal Code of Election Institutions and Procedures (*Código Federal de Instituciones y Procedimientos Electorales*), Federal Code of Criminal Procedure (*Código Federal de Procedimientos Penales*), Federal Tax Code (*Código Fiscal de la Federación*), Federal Penal Code (*Código Penal Federal*), Commercial Code (*Código de Comercio*), Code of Military Justice (*Código de Justicia Militar*), Federal Code of Civil Procedure (*Código Federal de Procedimientos Civiles*)—, regulations (*Reglamentos*), ordinances (*Ordenanzas*), statutes of the Federal District and Marías Islands (*Estatuto de Gobierno del Distrito Federal & Estatuto de las Islas Marías*).
- c. State legislation includes laws from the 31 state jurisdictions and the Federal District. Once a user clicks on the link to each state, general information is provided with the links to the constitution (*Constitución*), legislation (*Leyes*), and codified laws (*Códigos*).

E. LexisNexis

- a. In Lexis.com, the Mexican materials are located within “Foreign Laws & Legal Resources.” Included is a database of Mexican “case law” from the Supreme Court of Mexico (updated monthly; coverage starts in the “1900s”). There are also about 20 legislative databases, including the *Diario Oficial de la Federación* (June 2003-current), the Mexican Civil Code (Spanish; updated monthly), the Mexican Criminal Code (Spanish; updated monthly), federal laws by subject (Spanish; updated monthly), and the laws of several states (Aguascalientes, Jalisco, México, Nuevo León) and the Federal District. A few commentaries and treatises are included, such as *Lex Mundi’s Guide to Doing Business in Mexico*. There is also an archive of databases, including one that contains cases from the Mexican Tax Court (now the Tribunal Federal Fiscal de la Federación) (July 1979-September 1996). It is unknown whether any of the Mexican databases in Lexis.com will eventually migrate to Lexis Advance.

F. Leyes Federales de México

<http://www.diputados.gob.mx/LeyesBiblio>

- a. This free government website is sponsored by the Chamber of Deputies (*Cámara de Diputados*) of the Mexican Congress. Highlights of the content include: the current Federal Constitution; a comprehensive list of amendments to the Constitution, organized both chronologically and by article; nine federal codes; approximately 275 current federal laws; regulations to the federal laws; additional regulatory enactments under

Normas Reglamentarias; and links to the websites of state governments, including online collections of state laws.

G. NatLaw World by National Law Center for Inter-American Free Trade

<http://natlaw.com/natlawworld-temporary/>

- a. The National Law Center for Inter-American Free Trade, which is affiliated with the James E. Rogers College of Law at the University of Arizona, maintains the NatLaw World Database. This database contains laws, regulations, case law, and secondary source materials related to trade and investment for countries in the Americas. Most of the materials are in Spanish, although many English translations are available. Access to the majority of the database's content is by subscription, although some free materials are offered.
- b. Within the "Country Directory," choose Mexico. Coverage includes Accords, Case Law (489 entries), Constitutions, Circulars, Decrees, Codes, the *Diario Oficial de la Federación*, Rules and Standards, Laws, Regulations, and Secondary Materials. Non-subscribers may purchase English translations of individual documents.

H. Orden Jurídico Nacional

<http://www.ordenjuridico.gob.mx>

- a. This free database of legal enactments of all kinds from all levels of government is sponsored by the Secretaría de Gobernación. The database is organized by five main "spheres" (*ámbitos*) or sectors: Constitutional, International, Federal, State, and Municipal. The International sector includes a database of international agreements in force entered into by Mexico (1836-2012). The Federal sector is organized by branch of government and includes a link for Autonomous Organs (*Órganos Autónomos*), which is best translated as "independent administrative agencies." The State sector contains links to enactments from all 31 states and the Federal District, while the Municipal sector includes a selection of enactments from many of the *municipios* (counties) of Mexico, organized by state.



I. VLex

- a. VLex is a commercial legal database. The founders are from Barcelona, Spain, which is the European headquarters. The North American office is in Miami. VLex has international coverage, but is particularly strong for Spain and several countries of Latin America, including Mexico.
- b. Mexican law is organized by content type: Legislation, Regulations, Case Law, Books & Journals, Dictionaries, Contract Models, and News.

Legislation covers four types of resources: Consolidated laws, Annotated codes (*Códigos anotados y concordados*), Official Gazette (*Diario Oficial de la Federación*), and Official State Gazettes (*Diarios Oficiales Estatales*). Consolidated laws are divided into federal and state law. Federal law is organized by different subjects, such as international trade (*Comercio Exterior*), administrative law (*Derecho Administrativo*), civil law (*Derecho Civil*), constitutional law (*Derecho Constitucional*), corporate law (*Derecho Corporativo*), law of new technologies (*Derecho de las Nuevas Tecnologías*), financial law (*Derecho Financiero*), tax law (*Derecho Fiscal*), private international law (*Derecho Internacional Privado*), public international law (*Derecho Internacional Público*), labor law (*Derecho Laboral*), company and commercial law (*Derecho Mercantil y de Empresa*), military law (*Derecho Militar*), criminal law (*Derecho Penal*), and social security (*Seguridad Social*). State law is organized into 32 different state jurisdictions, including the Federal District.

Annotated Codes (*Códigos anotados y concordados*) include the Federal Civil Code (*Código Civil Federal*), Federal Code of Civil Procedure (*Código Federal de Procedimientos Civiles*), Civil Code for the Federal District (*Código Civil para el Distrito Federal*), Code of Civil Procedure for the Federal District (*Código de Procedimientos Civiles para el Distrito Federal*), and various tax laws.

Regulations contain technical standards (*Normas Oficiales Mexicanas* (NOMS) and *Normas Mexicanas* (NMX)). International treaties to which Mexico is a party are also included in this heading.

Case law contains cases from the Supreme Court (*Suprema Corte de Justicia*), Circuit Courts (*Tribunales Colegiados de Circuito*), the Federal Court of Fiscal and Administrative Justice (*Tribunal Federal de Justicia Fiscal y Administrativa*), the Federal Electoral Tribunal (*Tribunal Electoral del Poder Judicial de la Federación*), and the Council of the Federal Judiciary (*Consejo de la Judicatura Federal*).

- c. VLex also contains a miscellany of treatises on Mexican law, several journals, and various newspapers.

J. Westlaw

- a. In WestlawNext, the Mexican materials are located within the “International Materials” link. Available are: Mexican Civil Code Annotated (Spanish, with English translation; updated biennially); Mexican Commercial Code Annotated (Spanish, with English translation; last updated August 2012); and Mexican Legal Dictionary (Jorge Vargas). There is also access to the *United States Mexico Law Journal* (1993-2005) and the *U.S.-Mexico Legal Review* (2007 only).
- b. In Westlaw Classic, the aforementioned resources are available, as well as a database containing “Environmental, Health & Safety Laws and Regulations” (ENFLEX-MX) (last updated May 22, 2014). This source,

which is in Spanish only, will be migrating to WestlawNext by the end of 2014.²⁶⁸

K. World Constitutions Illustrated

- a. HeinOnline's *World Constitutions Illustrated* subscription database includes collections of documents, historical texts, and commentary related to foreign constitutions, organized by country.
- b. For Mexico, the historical versions of the Constitution (*Constitución de los Estados Unidos Mexicanos*) are included, as well as the texts of related laws. Most of this material is in Spanish, although there is an English translation of the Constitution, as consolidated through February 2014 (as of this writing).
- c. There is also access to commentaries, selected scholarly articles, and a bibliography relating to Mexican constitutional law. Materials in both Spanish and English are included. Relevant external links are also listed.

L. WorldLII (World Legal Information Institute)

<http://www.worldlii.org/mx/>

- a. Several non-profit regional legal information initiatives created and now maintain WorldLII, which is a free website. The site offers legal subject-based links for individual countries.

Included in the Mexico category are links to "Courts & Case Law," "Law Reform," and "Legislation." The "Courts & Case Law" link offers links to the websites of both federal and state courts. There are also topic-based links for such areas as "Human Rights," "Intellectual Property," and "Indigenous Law." The majority of the topic-based material is in Spanish, although some English-language websites are included.

²⁶⁸ E-mail from Katie Leonard, Library Relations Manager, Thomson Reuters, to Julianne Grant (June 2, 2014) (on file with Julianne Grant).