

**Rule 44. Proof of Official Record, Statutes, Ordinances and Regulations;
Determination of Foreign Law**

(a) Authentication of official record.

(1) Domestic. An official record kept within the United States, or any state, district, or commonwealth, or within a territory subject to the administrative or judicial jurisdiction of the United States, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by the officer's deputy, and accompanied by a certificate that such officer has the custody. The certificate may be made by a judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office and having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of the officer's office.

(2) Foreign. A foreign official record, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof; or a copy thereof, attested by a person authorized to make the attestation, and accompanied by a final certification as to the genuineness of the signature and official position (i) of the attesting person, or (ii) of any foreign official whose certificate of genuineness of signature and official position relates to the attestation or is in a chain of certificates of genuineness of signature and official position relating to the attestation. A final certification may be made by a secretary of embassy or legation, consul general, vice consul, or consular agent of the United States or a diplomatic or consular official of the foreign country assigned or accredited to the United States. If reasonable opportunity has been given to all parties to investigate the authenticity and accuracy of the documents, the Court may, for good cause shown, (i) admit an attested copy without final certification or (ii) permit the foreign official record to be evidenced by an attested summary with or without a final certification. The final certification is unnecessary if the record and the attestation are certified as provided in a treaty or convention to which the United States and the foreign country in which the official record is located are parties.

(b) Lack of official record. A written statement that after diligent search no record or entry of a specified tenor is found to exist in the records designated by the statement, authenticated as provided in subparagraph (a)(1) of this Rule in the case of a domestic record, or complying with the requirements of subparagraph (a)(2) of this Rule for a summary in the case of a foreign record, is admissible as evidence that the records contain no such record or entry.

(c) Other proof. This Rule does not prevent the proof of official records or of entry or lack of entry therein by any other method authorized by law.

(d) Proof of statutes, ordinances, and regulations. Printed books or pamphlets purporting on their face to be the statutes, ordinances, or regulations, of the United States, or of any state or territory thereof, or of any foreign jurisdiction, which are either published by the authority of any such state, territory, or foreign jurisdiction or are commonly recognized in its courts, shall be presumptively considered by the Court to constitute such statute, ordinance, or regulation. The Court's determination on such a matter shall be treated as a ruling on a question of law.

(e) Determination of foreign law. A party who intends to raise an issue concerning the law of a foreign country shall give notice by pleadings or other reasonable written notice. The

Court, in determining foreign law, may consider any relevant material or source, including testimony, whether or not submitted by a party or admissible under SCR-Dom Rel 43. The Court's determination shall be treated as a ruling on a question of law.