



NEW JERSEY LAW REVISION COMMISSION

Final Report

Relating to

Uniform Foreign-Country Money Judgments Recognition Act

February 9, 2015

The work of the New Jersey Law Revision Commission is only a recommendation until enacted.
Please consult the New Jersey statutes in order to determine the law of the State.

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Introduction

In July 2005, the Uniform Law Commission (ULC) approved and recommended for enactment in all the States the Uniform Foreign-Country Money Judgments Recognition Act (UF-CMJRA), which provides updated rules and procedures for the recognition of foreign judgments.

The Commission began work in this area and recommended enactment of the UF-CMJRA because it provides a clear and systematic method of seeking recognition of foreign-country money judgments, the revisions improve the 1962 Act, and because the significant number of enactments in other states suggest an ongoing trend toward the benefits of uniformity and consistency among the states. As discussed below, the Commission identified potential amendments to the UF-CMJRA's specific provisions, intending to recommend it as a beneficial piece of legislation.

On February 5, 2015, Assemblyman Patrick J. Diegnan, Jr. introduced Assembly Bill No. 4163, entitled the "Foreign Country Money-Judgments Recognition Act of 2015," which would enact the 2005 UF-CMJRA with some substantive changes described in more detail below. Accordingly, the Commission now finalizes its work in this area, recommends the enactment of A4163, and offers its support to the Legislature regarding that bill.

Background

The ULC describes the UF-CMJRA as "a revision of the Uniform Foreign Money Judgments Recognition Act of 1962," which required states to recognize a money judgment obtained in a foreign country if the judgment satisfied the standards set out in the Act. In 1997, New Jersey enacted the 1962 Act and, at time of publication, a total of 31 other states plus the U.S. Virgin Islands have done likewise. The 1962 act is a companion to the 1948 (amended in 1962) Uniform Enforcement of Foreign Judgments Act (UEFJA), which provides for enforcement of a state court judgment in another state under the Full Faith and Credit clause of the U.S. Constitution.¹

As of December 2014, 20 states had enacted the 2005 act with two additional introductions in the same year; 16 states plus Puerto Rico have *not yet* enacted or introduced either ULC judgment recognition act.

At the time of the ULC's approval of the 2005 UF-CMJRA, no case law had yet referenced New Jersey's adoption of the earlier act (FCMJRA). A search now yields two cases. The court in *Enron (Thrace) Exploration & Production v. Clapp, Clapp, and Clapp* held that New Jersey's FCMJRA permits money-judgments issued by courts in foreign nations to be filed and enforced in this state without a prior judicial determination recognizing the judgments and authorizing enforcement here.²

¹ The UEFJA, N.J. STAT. ANN. § 2A:49A-25 to -33, has been enacted in 48 states (all except California and Massachusetts) plus the U.S. Virgin Islands.

² 378 N.J.Super. 8 (2005).

The FCMJRA applies to any foreign country money-judgment that is final and conclusive. A foreign country money-judgment is not conclusive if the foreign country court had no personal jurisdiction. In *Kitchens International, Inc. v. Evans Cabinet Corp., LTD*, the New Jersey Appellate Division held that, since the issue of personal jurisdiction of the foreign country from which a judgment was obtained was not first resolved, the judgment was not conclusive and thus not immediately enforceable.³ Neither of these holdings would appear to conflict with the provisions of the ULC's proposed revision.

The Role of State vs. Federal Courts

The area of foreign country judgment recognition is considered to be largely governed by state law, which is a mix of common law and uniform acts. Those states which have chosen not to enact one of the two existing relevant ULC acts refer to common law principles reflected in the Restatement (Third) of Foreign Relations Law.

Although there is no general federal statute or treaty governing the procedures for enforcing foreign country judgments, under Rule 69 of the Federal Rules of Civil Procedure, “[t]he procedure on execution . . . must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies.” The historical foundation of foreign judgments recognition law in the United States is the holding in *Hilton v. Guyot*, which focused on both comity and due process.⁴ In *Hilton*, the Supreme Court held that a judgment obtained in France was not entitled to recognition in the United States as a matter of international law; recognition of a foreign judgment required reciprocity.⁵

The 2005 UF-CMJRA

The ULC's proposed revision to the 1962 Act addresses “the continuing increase in international trade and the need for making each state a recognized forum for international business.”⁶ The new act's Prefatory Note explains that the revision is not intended to “depart from the basic rules or approach of the 1962 Act” and provides in six points its stated purposes:

- 1) “The need to update and clarify the definitions section,”
- 2) “The need to organize and clarify the scope provisions, and to allocate the burden of proof with regard to establishing the application of the Act,”
- 3) “The need to set out the procedure by which recognition of a foreign-country money judgment under the Act must be sought,”
- 4) “The need to clarify, and to a limited extent, expand upon the grounds for denying recognition,”

³ 413 N.J.Super. 107 (2010).

⁴ 159 U.S. 113 (1895).

⁵ Ronald A. Brand, *Federal Judicial Center International Litigation Guide: Recognition and Enforcement of Foreign Judgments*, 74 U. Pitt. L. Rev. 491 (2013).

⁶ Uniform Law Commission, Why States Should Adopt UFCMJRA, www.uniformlaws.org (last visited 1/1/2014).

- 5) “The need to expressly allocate the burden of proof with regard to the grounds for denying recognition,” and
- 6) “The need to establish a statute of limitations.”

The UF-CMJRA deals only with the question of whether a court of an adopting state should recognize the judgment as one entitled to be enforced in that state. It does not address actual enforcement of the judgment or specific enforcement issues. Recognition and enforcement are two conceptually distinct legal concepts. In addition, the UF-CMJRA applies directly and exclusively to money judgments or a judgment denying the recovery of money; it does not address the question of whether foreign country judgments based on other grounds should be enforced, except to note that a court may recognize non-money parts of the foreign-country money judgment under other applicable statutes, comity, or other principles of law.

An updated point-by-point discussion of the six issues listed in the Prefatory Note provides an overview of the UF-CMJRA and the manner in which it is designed to work.

Regarding Point 1, which concerns Section 2 Definitions, the term “foreign country” is defined as a government other than the United States, or a government other than a state, district, commonwealth, territory, or insular possession of the United States. Under that section, a foreign country is also any government that has issued a judgment initially not subject to the Full Faith and Credit Clause. This provision clarifies the applicability of the act. If the judgment is subject to review under the Full Faith and Credit Clause, then it is not a judgment of a foreign country and the UF-CMJRA does not apply. This modification also coordinates the UF-CMJRA with the UEFJA, previously enacted in this state, which makes clear that sister state judgments do not come within the purview of the Act.

Regarding Point 2, the UF-CMJRA applies only to judgments which (1) grant or deny recovery of sums of money and which (2) under the law of the foreign country where the judgment was rendered, are final, conclusive and enforceable in that foreign country. According to the Comment to Section 3 Applicability, a “judgment is final when it is not subject to additional proceedings in the rendering court other than execution. A judgment is conclusive when it is given effect between the parties as a determination of their legal rights and obligations. A judgment is enforceable when the legal procedures of the state to ensure that the judgment debtor complies with the judgment are available to the judgment creditor to assist in the collection of the judgment.” New Jersey statute does not define “conclusive,” but Black’s Law Dictionary (9th ed. 2009), defines “conclusive” as “decisive; convincing.”

Even if the judgment grants or denies the recovery of money, the UF-CMJRA is inapplicable if the judgment is: (1) for taxes, (2) for fines or penalties, or (3) a judgment of divorce, support or other judgment related to domestic relations.

The 1962 act does not contain specific provisions regarding the burden of proof. At the outset, the court must determine whether the action is within the scope of the act. In practice, cases decided under the act tend to place the burden on the party seeking recognition of the foreign judgment. Similarly, under the 2005 Act, a party seeking recognition of a foreign-country judgment has the burden of establishing that the judgment falls under the act; that is, the

judgment is final, conclusive, and enforceable where rendered, and is not a judgment for taxes, fines, penalties, or domestic relations relief. Thereafter, the burden is reversed so that the party resisting the recognition of the judgment has the burden of proof to establish a non-recognition ground, as discussed below.⁷

Regarding Point 3, the procedure to obtain recognition of a foreign-country money judgment is straightforward and set forth in Section 6. If the recognition is sought as an original matter, it is brought by filing an action for recognition. If recognition is sought in a pending action, then the issue is raised by counter-claim, cross-claim or affirmative defense. When the court finds that the judgment is entitled to recognition, then the effect of that decision is that the judgment is conclusive between the parties to the same extent as would be judgment entitled to Full Faith and Credit. In addition, the judgment is enforceable in the same manner as a judgment rendered in the state.

Regarding Points 4 and 5, if the foreign-country judgment is within the scope and applicability provisions of the Act, then a court is obliged to recognize that judgment with two exceptions, one mandatory and the other discretionary. First, a court cannot recognize the judgment if: (1) the judgment was rendered by a tribunal within a judicial system that does not provide impartial tribunals or provide adequate standards of due process, (2) the foreign court lacked personal jurisdiction over the defendant, or (3) the foreign court lacked subject matter jurisdiction. Alternatively, the court has the option not to enforce the judgment for any one of eight reasons listed in Section 4. Exemplary of this list are (1) the defendant did not receive notice, (2) the judgment was obtained by fraud, and (3) the judgment is repugnant to the public policy of this state or the United States. Put another way, courts may choose not to enforce a foreign-country judgment where it was obtained under circumstances unfair to the defendant, offensive to due process or obtained by fraud.

Neither the 1962 act nor the Restatement addresses the question of a statute of limitations. The trend, however, appears to be to apply the statute of limitations applicable to enforcement of a comparable domestic judgment.⁸ Regarding Point 6, Section 9 establishes a limitations period using an earlier in time approach. Specifically, an action must be commenced within the earlier of these times: (1) the time during which the foreign-country judgment is effective in the foreign country, or (2) 15 years from the date that the foreign-country judgment became effective in the foreign country. A party may use a foreign judgment beyond this statute of limitations for preclusive effect, if such use is permitted under the forum state's law.⁹

Current New Jersey Law: FCMJRA

The following table was prepared by Commission Staff to compare the ULC's updated act with existing New Jersey law. This was done in an effort to identify areas in which there were significant differences between the two and to assess whether it might be more appropriate

⁷ Ronald A. Brand, Federal Judicial Center International Litigation Guide: Recognition and Enforcement of Foreign Judgments, 74 U. Pitt. L. Rev. 491 (2013).

⁸ *Id.*

⁹ *Id.*

to recommend adoption of the UF-CMJRA in its entirety or to propose revisions to N.J.S. 2A:49A-15 to -24. Ultimately, the Commission determined that, in the interest of uniformity, the recommendation of the UF-CMJRA in its entirety was the more appropriate course of action.

Comparison of UF-CMJRA with Existing New Jersey Law

UPC Section	Corresponding N.J.S. Section	How They Compare	Substantive Differences Between The Two?
1 Short Title: UF-CMJRA	2A:49A-16 Short Title: FCM-JRA		
2 Definitions	2A:49A-17 Definitions	<p>UPC defines:</p> <ul style="list-style-type: none"> • Foreign country • Foreign-country judgment <p>N.J.S. defines:</p> <ul style="list-style-type: none"> • Foreign state • Foreign country money-judgment 	<p>No.</p> <p>UPC's foreign country definition specifically excludes Full Faith and Credit clause determinations.</p> <p>N.J.S. specifically excludes certain judgments from enforcement.</p>
3 Applicability	2A:49A-18 Application	UPC describes enforcement exclusions similar to those in N.J.S. Definitions.	No. UPC's provisions are more specific, but essentially match N.J.S.
4 Standards for Recognition of Foreign-Country Judgment	2A-49A-20 Conclusiveness of Foreign Judgment	<p>Both are essentially the same; UPC adds three exceptions to enforcement:</p> <ul style="list-style-type: none"> • Foreign court lacks integrity • Lack of due process in a particular proceeding • Burden of proof resides in party resisting recognition 	Yes. N.J.S. could benefit from additional specificity in this area.
5 Personal Jurisdiction	2A-49A-21 Personal Jurisdiction	Essentially the same.	No.

UPC Section	Corresponding N.J.S. Section	How They Compare	Substantive Differences Between The Two?
6 Procedure for Recognition of Foreign-Country Judgment		Recognition of foreign-country judgments in pending actions may be raised by counterclaim, cross-claim, or affirmative defense.	Yes. N.J.S. has no counterpart.
7 Effect of Recognition of Foreign-Country Judgment	2A:49A-19 Conclusiveness; Enforcement	<ul style="list-style-type: none"> • Foreign country money-judgments pertain to money judgments. • Enforcement equals sister state full faith and credit 	No. Very similar.
8 Stay of Execution Proceedings Pending Appeal of Foreign-Country Judgment	2A:49A-22 Stay of Execution; Appeal in Foreign Country	Court may stay proceedings until appeals have determined or until time for appeal expires.	No. Very similar.
9 Statute of Limitations		<p>Action must commenced:</p> <ul style="list-style-type: none"> • While judgment is effective in foreign country or • 15 years from the effective date in the foreign country • Whichever is earlier in time 	Yes. N.J.S. has no counterpart.
10 Uniformity of Interpretation	2A:49A-24	The law’s purpose is to promote uniformity among enacting states.	No. Essentially the same.
11 Saving Clause	2A:49A-23 Prevention of Recognition of Foreign Country Money-Judgments	Foreign country money judgments in situations not covered by this act may also be recognized.	No. Very similar.

The 13 sections of New Jersey's FCMJRA, which is based on the 1962 uniform act, match up very closely with the updated UF-CMJRA, with the notable exceptions of Section 6 Procedure for Recognition of Foreign-Country Judgment and Section 9 Statute of Limitations. There are no N.J.S. equivalents for these ULC sections, which, as discussed above, provide more specific guidance in this area, but do not appear to conflict with existing New Jersey statute or case law.

Assembly Bill No. 4163

As its attached Statement makes clear, the Foreign Country Money-Judgments Recognition Act of 2015, if enacted, would replace existing New Jersey statutes concerning the recognition of foreign country money judgments.

Amendments to UF-CMJRA Previously Considered by the Commission

Potential *Winberry* Issue

The judicial branch in New Jersey has asserted its exclusive right over the establishment in matters of court procedure.¹⁰ In deference to this authority, prior to the introduction of the bill, the Commission considered adding language to the ULC's Section 6 Procedure for Recognition of Foreign-Country Judgment, to emphasize the court's prerogative in recognizing foreign judgments, as follows. The Commission's proposed revisions are indicated by underline and strikethrough.

- (a) If recognition of a foreign-country judgment is sought as an original matter, the issue of recognition shall be raised by filing an action seeking recognition of the foreign-country judgment.

- (b) If recognition of a foreign-country judgment is sought in a pending action, the issue of recognition may be raised by counterclaim, cross-claim, or affirmative defense, or as specified by court rule.

Assembly Bill No. 4163 contains language similarly deferring to court rules, but in section 4, as follows:

* * *

- b. A court of this State shall not recognize a foreign-country judgment if:
 - (1) the judgment was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law, **as determined by the court** using standards developed by the American

¹⁰ 5 N.J. 240 (1950).

Law Institute and the International Institute for the Unification of Private Law to govern resolution of transnational disputes; [Emphasis added]

* * *

(8) the specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law, **as determined by the court** using standards developed by the American Law Institute and the International Institute for the Unification of Private Law to govern resolution of transnational disputes. [Emphasis added]

* * *

Statute of Limitations

As discussed above, UF-CMJRA's section 9 contains a new provision regarding the statute of limitations, as follows:

Section 9. Statute of Limitations.

An action to recognize a foreign-country judgment must be commenced within the earlier of the time during which the foreign-country judgment is effective in the foreign country or 15 years from the date that the foreign-country judgment became effective in the foreign country.

The Commission considered proposing amended language to clarify the meaning of this provision, which was deemed confusing. The corresponding section of Assemblyman Diegnan's bill, below, contains clarifying language and should resolve this potential ambiguity:

9. An action to recognize a foreign-country judgment shall not be commenced before the foreign-country judgment becomes effective in the foreign country, or after 15 years from the date that the foreign-country judgment became effective in the foreign country.

Amendments to UF-CMJRA Within Assembly Bill No. 4163

In addition to provisions regarding *Winberry* and statute of limitations issues as discussed above, the Assembly bill substantively adds or amends several other provisions of the uniform act.

Burden of Proof

Section 4 of Assembly Bill No. 4163 adds a new provision regarding burden of proof. As read, the corresponding section of the ULC act assigns the burden of establishing grounds for nonrecognition to the party resisting recognition of a foreign-country judgment. The new bill

shifts the burden to the party seeking recognition where a judgment has been rendered in default of the defendant's appearance. In such case, the plaintiff must demonstrate the jurisdiction of the rendering court and also that defendant was properly served. (See Section 4.d. in the Appendix.)

Due Process Clause

The ULC act treats of personal jurisdiction and corresponds with section 5 of the new Assembly bill. The provisions are essentially the same, except the bill adds language requiring the compatibility of the rendering court's personal jurisdiction with the Due Process Clause of the U.S. Constitution. (See Section 5.b. in the Appendix.)

Appearance by Defendant

The ULC act's section 5 protects plaintiffs by providing that a foreign-country judgment may not be refused recognition for lack of personal jurisdiction if the defendant voluntarily appeared in the proceeding for reasons other than to protect seized property. In lieu of a mirror image counterpart on the subject of a defendant's court appearance, the Assembly bill's section 5 extends its protection to a defendant who is permitted to make a court appearance in the country of origin without surrendering the right to resist judgment recognition. Of note, both the ULC act and the Assembly bill specify that the list of bases for personal jurisdiction is not intended to be exclusive. (See Sections 5.b. and 5.c. in the Appendix.)

Conclusion

Although the release of this Final Report marks the completion of the Commission's work on this project, consistent with the practice of the NJLRC, the Commission offers its support to the Legislature for the enactment of Assembly Bill No. 4163, which updates and improves existing New Jersey law in the area of foreign country money judgment recognition, and promotes uniformity and consistency among the states.

Appendix

The text of Assembly Bill No. 4163, supplementing Title 2A of the New Jersey Statutes and repealing New Jersey's FCM-JRA of 1997, is as follows¹¹:

1. This act shall be known and may be cited as the "Foreign Country Money-Judgments Recognition Act of 2015."

2. As used in this act:

"Foreign country" means a government other than:

(1) the United States;

(2) a state, district, commonwealth, territory, or insular possession of the United States; or

(3) any other government with regard to which the decision in this State as to whether to recognize a judgment of that government's courts is initially subject to determination under the Full Faith and Credit Clause of the U.S. Const., Art. IV, Sec. 1.

"Foreign-country judgment" means a judgment of a court of a foreign country.

3. a. Except as otherwise provided in subsection b. of this section, this act shall apply to a foreign-country judgment to the extent that the judgment:

(1) grants or denies recovery of a sum of money; and

(2) under the law of the foreign country where rendered, is final, conclusive, and enforceable.

b. This act shall not apply to a foreign-country judgment, even if the judgment grants or denies recovery of a sum of money, to the extent that the judgment is:

(1) a judgment for taxes;

(2) a fine or other penalty; or

(3) a judgment for divorce, support, or maintenance, or other judgment rendered in connection with domestic relations.

c. A party seeking recognition of a foreign-country judgment shall have the burden of establishing that this act applies to the foreign-country judgment.

4. a. Except as otherwise provided in subsections b. and c. of this section, a court of this State shall recognize a foreign-country judgment to which this act applies.

b. A court of this State shall not recognize a foreign-country judgment if:

(1) the judgment was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law, as determined by the court using standards developed by the American Law Institute and the International Institute for the Unification of Private Law to govern resolution of transnational disputes;

¹¹ P.L.1997, c.96.

- (2) the foreign court did not have personal jurisdiction over the defendant; or
 - (3) the foreign court did not have jurisdiction over the subject matter.
- c. A court of this State may determine, in its discretion, not to recognize a foreign-country judgment if:
- (1) the defendant in the proceeding in the foreign court did not receive notice of the proceeding in sufficient time to enable the defendant to defend;
 - (2) the judgment was obtained by fraud that deprived the losing party of an adequate opportunity to present its case;
 - (3) the judgment or the cause of action on which the judgment is based is repugnant to the public policy of this State or of the United States;
 - (4) the judgment conflicts with another final and conclusive judgment;
 - (5) the proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be determined otherwise than by proceedings in that foreign court;
 - (6) in the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action;
 - (7) the judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment; or
 - (8) the specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law, as determined by the court using standards developed by the American Law Institute and the International Institute for the Unification of Private Law to govern resolution of transnational disputes.
- d. A party resisting recognition of a foreign-country judgment shall have the burden of establishing that a ground for nonrecognition stated in subsections b. or c. of this section exists, except that where a foreign-country judgment has been rendered in default of appearance of the defendant, the party seeking recognition shall have the burden of establishing that:
- (1) the rendering court had jurisdiction over the defendant in accordance with the law of the country of origin of judgment;
 - (2) the defendant was served with initiating process in accordance with the law of the country of origin; and
 - (3) the rendering court had jurisdiction over the defendant on a basis provided pursuant to section 5 of this act.
5. a. A foreign-country judgment shall not be refused recognition for lack of personal jurisdiction if:
- (1) the defendant was served with process personally in the foreign country;
 - (2) the defendant, before the commencement of the proceeding, had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;
 - (3) the defendant was domiciled in the foreign country when the proceeding was instituted or was a corporation or other form of business organization that had its principal place of business in, or was organized under the laws of, the foreign country;

(4) the defendant had a business office in the foreign country and the proceeding in the foreign court involved a cause of action arising out of business done by the defendant through that office in the foreign country; or

(5) the defendant operated a motor vehicle or airplane in the foreign country and the proceeding involved a cause of action arising out of that operation.

b. The list of bases for personal jurisdiction in subsection a. of this section shall not be construed to be exclusive. The courts of this State may recognize bases for personal jurisdiction other than those listed in subsection a. of this section as sufficient to support a foreign-country judgment, as long as the exercise of personal jurisdiction in the foreign country is compatible with the Due Process Clause of the U.S. Const., Amend. V and Amend. XIV.

c. An appearance by the defendant in the country of origin, or an unsuccessful objection to the jurisdiction of the rendering court, shall not deprive the defendant of the right to resist recognition under this section, but factual determinations by the rendering court concerning jurisdiction shall be binding on the defendant.

6. a. If recognition of a foreign-country judgment is sought as an original matter, the issue of recognition shall be raised by filing an action seeking recognition of the foreign-country judgment.

b. If recognition of a foreign-country judgment is sought in a pending action, the issue of recognition may be raised by counterclaim, cross-claim, or affirmative defense.

c. A party against whom a foreign-country judgment is entered may file an action for a declaration that the foreign-country judgment shall not be subject to recognition. For the purposes of this section, a foreign-country judgment shall not be subject to recognition if a ground for nonrecognition stated in subsections b. or c. of section 4 of this act exists. The party bringing an action under this section shall have the burden of establishing a ground for nonrecognition under subsections b. or c. of section 4 of this act.

7. If the court in a proceeding finds that the foreign-country judgment is entitled to recognition under this act then, to the extent that the foreign-country judgment grants or denies recovery of a sum of money, the foreign-country judgment shall be:

a. conclusive between the parties to the same extent as the judgment of a sister state entitled to full faith and credit in this State would be conclusive; and

b. enforceable in the same manner and to the same extent as a judgment rendered in this State.

8. If a party establishes that an appeal from a foreign-country judgment is pending or will be taken, the court may stay any proceedings with regard to the foreign-country judgment until the appeal is concluded, the time for appeal expires, or the appellant has had sufficient time to prosecute the appeal and has failed to do so.

9. An action to recognize a foreign-country judgment shall not be commenced before the foreign-country judgment becomes effective in the foreign country, or after 15 years from the date that the foreign-country judgment became effective in the foreign country.

10. In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

11. This act shall not prevent the recognition under principles of comity or otherwise of a foreign-country judgment not within the scope of this act.

12. P.L.1997, c.96 (C.2A:49A-16 et seq.) is repealed.

13. This act shall take effect immediately, and shall apply to all actions commenced on or after the effective date of this act in which the issue of recognition of a foreign-country judgment is raised.