

Law Librarians Push for the Uniform Electronic Legal Material Act

Law librarians are urging California state representatives to enact the Uniform Electronic Legal Material Act, which requires government publishers of primary legal materials in electronic format to authenticate, preserve and provide permanent access to these resources. The act was drafted and approved by the Uniform Law Commission in July 2011.

In California, core members from various government and library organizations are diligently working with key legislators to enact UELMA legislation. Tennessee just introduced Senate Bill 2894, and might well be the first state to introduce legislation to implement the act. Other states not far behind are Connecticut, Colorado, Kentucky, Louisiana, Minnesota, Nebraska, Ohio, and Wisconsin.

UELMA builds on the American Association of Law Libraries' "2007 State-by-State Report on Authentication of Online Legal Resources," which found "a significant number of the state online legal resources are official but none are authenticated or afford ready authentication by standard methods." In California, responsibility for publication of electronic legislative documents resides with the Office of the Legislative Counsel, which maintains a website of legislative resources. California Government Code §10248 requires Legislative Counsel Office to make legislative materials available electronically, freely accessible to the public.

Under the uniform act, government publishers would also be required to ensure a secure and trustworthy method of authentication of electronic legal materials. You might ask, why do we need legislation to guarantee that access to online legal information is freely available, authenticated and preserved, when more and more information can be found on the web? There are several reasons. Online publications can be changed, tampered with or accidentally altered, unlike the printed word. Also, as technology changes, older versions of online resources may be unreadable on the newer platforms. The uniform act requires that information remain virtually accessible with standards for security and authenticity.

The method for authentication under the act is left to the governmental publisher, so long as the mandate is met that the electronic version remains unaltered from the official record. Several options for authentication are addressed in a recent white paper written in collaboration with the

staff of the Office of the Legislative Counsel, State of California, titled "Authentication of Primary Legal Materials and Pricing Options," recently posted on the internet.

The white paper acknowledges that authentication presumes the same degree of accuracy as the printed word in a book, and that its contents be verified and remain complete and unaltered. Some states are developing best practices for authentication, including the use of digital signatures, adding a certificate of authenticity, or hash values. Under the act, each state may develop its own form of authentication.

If UELMA is enacted in California, responsibility for ensuring compliance for electronic versions of statutes, the Constitution and codes will reside with the Office of Legislative Counsel. It is expected that adding the authentication requirement to what the agency already publishes would not be overly burdensome. The additional requirements from enacting UELMA would insure long-term preservation and authentication.

California law librarians will have a firsthand opportunity to discuss the issue at the All-California Institute, March 9-10 in San Diego. The institute is a joint meeting of the regional chapters of AALL, including the Northern California Association of Law Libraries, Southern California Association of Law Libraries and San Diego Association of Law Libraries. Legislative Counsel Diane Boyer-Vine, who is also a member of the drafting committee for UELMA, will be a featured program speaker, updating attendees on California's adoption efforts. The panel moderator is Michele Finerty, assistant director of technical services at the Pacific McGeorge School of Law Library in Sacramento, and additional panelists are David McFadden, senior reference librarian at Southwestern School of Law, and Larry Meyer, director of the Law Library for San Bernardino County.

As law librarians become more involved in the promotion of UELMA, assisting with groundbreaking plans to identify sponsors and legislative authors, more states will be introducing and passing UELMA legislation. There is no doubt that with the hard work and persistence of law librarians across the nation, the passage of UELMA legislation in many states is imminent.