



September 30, 2015

Representative Brian S. Dempsey, Chair  
House Ways and Means Committee  
Room 243  
State House  
Boston, MA 02133

Dear Chairman Dempsey:

The Law Librarians of New England (LLNE) write in support of **Bill H. 43, “An Act relative to the Uniform Electronic Legal Material Act”** and **urge you to favorably report the bill out of House Ways and Means.**

H. 43 will enact the Uniform Electronic Legal Material Act (UELMA) and provide Massachusetts with a technology-neutral, outcomes-based approach to ensuring that online state legal material *deemed official* will be preserved and made permanently available to the public in unaltered form.

H. 43 covers a range of key materials including the Constitution of the Commonwealth of Massachusetts, the Session Laws, the Massachusetts General Laws, state agency rules or decisions that have the effect of law, other material published in the Massachusetts Register or the Code of Massachusetts Regulations and the reported decisions and rules of the Supreme Judicial Court, the Appeals Court and the Massachusetts Trial Court. H. 43 will ensure that anyone -- whether a citizen, judge, legislator, attorney or researcher -- will be able to verify the state legal material available to them online.

In addition to LLNE member support, our colleagues, the Massachusetts Library Association (MLA) also endorses the passage of H.43. MLA members are librarians who use legal materials in print and on-line and want to ensure that official Massachusetts government materials whether online or in print are authenticated, preserved and made permanently available to the public. UELMA sets forth the standards for this to happen.

H. 43 does not mandate any particular technology, leaving states to choose the technology that best fits their needs. Out of the twelve states that have adopted UELMA, five states determined the act would have *no* fiscal impact. One additional state concluded the act would have a *minimal* fiscal impact.

If there are costs associated with the implementation of UELMA such as servers for archival storage or software purchases, it is best that the procedures be carefully thought through now and funds planned for and expended, rather than having to make corrections later which can prove costly. Just recently, the Reporter of Decisions announced that the Supreme and Appeals Court advance sheets would no longer be available in print. As of today, there is still no defined procedure as to how the advance sheets will be readily available electrically to judges, law libraries or the public, nor how they will be preserved for the future.

In addition to the Law Librarians of New England and Massachusetts Library Association, UELMA is supported by the American Association of Law Libraries, the American Bar Association, and the Uniform Law Commission. Many other stakeholders—including the U.S. Government Publishing Office, the National Archives and Records Administration, the Society of American Archivists, the National Center for State Courts and the Association of Reporters of Judicial Decisions—were all observers to the Uniform Law Commission’s drafting committee.

LLNE strongly urge House Ways and Means to **favorably report H. 43**, "An Act relative to the Uniform Electronic Legal Material Act". By adopting UELMA, Massachusetts will establish itself as a leader among states that have recognized that official, electronic legal material must be authenticated, preserved and made permanently available to the public.

Thank you very much for your consideration of this important matter. If there are questions or you would like a meeting to discuss H. 43, contact Barbara Morgan ([bmorgan@library.umass.edu](mailto:bmorgan@library.umass.edu)) or Michelle Pearse ([mpearse@law.harvard.edu](mailto:mpearse@law.harvard.edu)).

Sincerely,

Diane D'Angelo  
President  
Law Librarians of New England  
A Chapter of the American Association of Law Libraries  
<http://llne.org>

cc: Stephen Kulik, Vice Chair, House Committee on Ways and Means  
Benjamin Swan, Assistant Vice Chair, House Committee on Ways and Means