



DATE: May 2, 2017

BILL: H. 812 An Act relative to the Uniform Electronic Legal Material Act

COMMITTEE: Joint Committee on the Judiciary

POSITION: Support H. 812 (Rep. Gentile) and H. 54 (ULC)

SUBMITTED BY: Marnie Warner on behalf of Law Librarians of New England (LLNE)

Chairpersons Senator Brownsberger and Representative Claire Cronin and members of the committee:

My name is Marnie Warner and I am here today to testify on behalf of Law Librarians of New England in support of the Uniform Electronic Legal Materials Act (UELMA). During my career as a law librarian, I worked for the Mass. Trial Court Law Libraries, the Mass. Board of Library Commissioners and a private law firm. I would like to thank you for the opportunity to testify in support of H. 812 and H. 54

Law Librarians of New England (LLNE) strongly urges the Committee to approve UELMA, which will ensure that Massachusetts' online state legal material *deemed official* will be preserved and made permanently available to the public in an unaltered form. UELMA furthers Massachusetts' state policies of accountability and transparency in providing legal information to the public.

With the Internet, more material is available online and can be searched from any computer or mobile device. In law libraries, patrons have come to expect access to information anytime and from anywhere. They appreciate government efforts to make the law available online. However, online publication has also raised concerns about ensuring that digital legal information designated as official has the same level of authority and reliability as the current official print version. If online legal material is not authenticated, researchers, be they lawyers, students or members of the public, may not be able to rely on electronic information; courts may not accept cites to online authority; and scholarship publishers may not accept electronic citations.

UELMA provides a framework to guarantee this same level of authority as the print. Specifically, official electronic legal material must be:

1. *Authenticated*, by providing a method to determine that it is unaltered;
2. *Preserved*, either in electronic or print form; and
3. *Accessible*, for use by the public on a permanent basis.

H. 812 does not mandate any particular technology. UELMA sets forth principles and leaves it up to the states to determine how best to ensure that its official legal material is reliable in the online environment. National organizations like the American Association of Law Libraries and the Uniform Law Commission are already looking at best practices (and also what is not working well) in states already implementing UELMA.

The Massachusetts Library Association and the Massachusetts Bar Association also endorse UELMA. UELMA is supported nationally by the Uniform Law Commission, the American Association of Law Libraries (AALL) and the American Bar Association.

UELMA has already passed in fourteen states (California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Illinois, Minnesota, Nevada, North Dakota, Oregon, Pennsylvania, Washington, and West Virginia). By passing H. 812, Massachusetts would join the other states and establish itself as a leader among states that have recognized that official, electronic legal material must be authenticated, preserved and made permanently available. Permanent and trustworthy access to official legal material is an important role of government and a component in providing access to justice for all.

LLNE urges the committee to report favorably on H. 812. Thank you.