



DATE: April 24, 2014

BILL: HB 38 An Act relative to the Uniform Electronic Legal Material Act

COMMITTEE: Joint Committee on the Judiciary

POSITION: Support HB 38

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

Chairman Brownsberger, Vice Chair Markey, 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 and as a resident in support of the Uniform Electronic Legal Material 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 HB 38.

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.

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 online legal information designated as official is authentic, meaning it has not been tampered with and is the authoritative version, will be preserved in unaltered form and will be available permanently to the public. If online legal material is not authenticated, researchers 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 offers a framework for providing that official online legal material with the same level of trustworthiness traditionally provided by print publication.

HB 38 includes the most basic official legal material: the state constitution, state session laws, codified laws, judicial opinions and agency regulations which have the effect of law.

HB 38 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 are already looking at best practices (and also what is not working well) in states implementing UELMA. By adopting UELMA, Massachusetts would join nine 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 to the public.

LLNE urges the committee to report favorably on HB 38. Thank you.

Attachments: UELMA – Enactments (3/31/2014); UELMA – Summary and FAQs (March 2014)