

2009-10 Updates to State-by-State Report on Authentication of Online Legal Information

Executive Summary

Since the 2007 state summaries were published, many states have realized the importance of providing access to authentic and official online legal information. The AALL Electronic Legal Information Access and Citation Committee and its volunteers have updated the 2007 state summaries to present the progress that has been made since the 2007 report was published. The 2009-10 Updates to the State-by-State Report on Authentication of Online Legal Information provide insight into what has changed and what has not changed in the struggle to make state legal information online more trustworthy.

Overall, the report updates indicate that a few states have made changes to online legal publications, including adding official and authentic notations to the information, making the information more accessible, and even eliminating print publications in favor of online only. One of the most significant changes noted in the 2009-10 update is the addition of disclaimers to many state Web sites regarding authentication and official format of the information online.

The 2009-10 updates provide answers to a series of questions to determine what changes have been made in each state after the 2007 Report was published and if a state has adopted a medium neutral citation format. The questions asked are below:

1. Has the state made any changes to the official status of any of these titles?
2. Has the state used technology to designate any of these titles as authentic? If so, what technologies have been adopted?
3. Has the state eliminated the print publication of any of these titles in favor of online only since the 2007 report?
4. Has the state enacted legislation guaranteeing the public's permanent access to state online government information since the 2007 report?
5. Have courts in your state adopted a medium neutral citation system since the 2007 report? If the 2007 summary reported that your state(s) had adopted a medium neutral citation system, would you please answer the following
 - o (a) By what mechanism was the system adopted (e.g., state statute, regulation, rule of court, judicial opinion, clerk of court memorandum)?
 - o (b) Where can a user find directions to understand the system (e.g., court web site with URL, state code or register with citation)?
 - o (c) (If easily determined) what new technology, if any, did the court use to implement the system?
6. Have there been any other significant changes to the 2007 state summary?

Elimination of Print Publications in Favor of Online-Only

Since the 2007 Report, four more states have eliminated a print legal publication in favor of online only. Arkansas eliminated the printing of *Arkansas Reports* and *Arkansas Appellate Reports* in favor of online sources. Georgia eliminated print versions of the *Georgia Register* in favor of an online version. Michigan also eliminated the print version of its Administrative Code. South Carolina discontinued the print publication of the *Shearouse Advance Sheets*, which included opinions from the appellate courts. In Maryland, there was an effort to discontinue print publication of the *Maryland Register*, but the AALL Maryland state working group effectively stopped the state from completely eliminating the print. Beginning in May 2010, Maryland will provide a free PDF version of its *Register* online in addition to the html version.

Changes to Official and Authentic Status of Online Information

Eight states made significant changes to the availability of their official electronic legal information. The courts in Arkansas now designate the electronic versions of Supreme Court and Court of Appeals decisions as official, and time stamps certify court decisions as authentic. Colorado designates the online versions of the *Colorado Code of Regulations* and the *Colorado Register* as official. The District of Columbia now certifies its online statutory code, *Register*, *Municipal Code*, and session laws as official. Delaware's online administrative code and register are official, and it publishes the official version of its session laws (from 1999 on) on the state's website. Delaware certifies that these sources are authentic as well. Georgia designates Supreme Court opinions online as official but to date has not designated them as authenticated versions. Ohio addresses the authentication issue by using digital signatures on all Supreme Court opinions posted on the Supreme Court of Ohio's web site. Utah and Washington both designate their administrative codes online as official.

Permanent Public Access

In addition to the states that were noted in the 2007 Report, four more states guarantee permanent public access to online state legal information. Connecticut enacted legislation guaranteeing the public's permanent access to online government information. Georgia also attempts to guarantee permanent public access to online executive agency information. By statute, Idaho guarantees free and continuous access to its state publications. Utah guarantees permanent public access to born-digital Utah government publications and State of Utah websites.

Medium Neutral Citation

Two states have adopted new vendor neutral citation formats. Arkansas adopted a medium neutral citation system for cases. The New Mexico Supreme Court amended its rule governing citations for pleadings and other papers filed in the courts to require vendor neutral citation.

Acknowledgments

The ELIAC Committee would like to extend a huge thank you to all the state authors who investigated developments in their states and wrote the updates. This report would also not have been possible without the dedication and hard work of Tina Ching, Editor of the 2009 Updates. Finally, big thanks to the ELIAC Committee members Matt Braun and Timothy Coggins and AALL staff liaison Mary Alice Baish, AALL's Director of Government Relations.

By Emily Janoski-Haehlen

2009-2010 Chair, Electronic Legal Information Access and Citation Committee