Chairperson Wells and members of the Committee:

Good afternoon. My name is Melanie Knapp. I am a resident of the District of Columbia, a law librarian at the George Mason University Law Library in Arlington, VA, and a member of the Law Librarians Society of Washington, D.C. (LLSDC). I am here today to testify on behalf of the LLSDC in support of Bill 20-221, the “Uniform Electronic Legal Material Act of 2013.” Many of us refer to this bill by its acronym: UELMA. Having worked as a lawyer and a law librarian, I believe adoption of UELMA across the states and in the District is a very important matter.

I’m testifying today on behalf of myself as a citizen of the District and on behalf of the LLSDC. For the record, I also have a letter from the president of the LLSDC declaring the Society’s support for this bill.

UELMA ensures that official legal material being published online is authentic – that is, reliable, and that is available to the public in perpetuity.

In the legal profession, we have always placed the highest premium on the accuracy of the printed word. Not only are rights and liabilities decided by the words on the page—even the placement of a comma—but precedents also establish rights and liabilities for years to come. We trust official print material and question its reliability only if something
looks amiss. If a page is missing or print is illegible, we investigate further to ensure that the words we rely upon are the law as it was intended to be published.

Recent years have brought great change in the law. With the Internet, more and more material is available online. It’s searchable, it can be accessed from any computer, and it can be accessed on mobile devices. In law libraries, our patrons have come to expect to be able to access information on the go, and they appreciate government efforts to make the law available online. For example, we might have a professor working on a scholarly article from home who needs to access the text of a statute; a student cite checking an article and looking for the text of regulation; or an attorney in the court house who needs access to a very recent judicial opinion. In all of these cases, the researcher will be happy to find the material online. But, if that online content is not authenticated, the researcher is going to hit a roadblock. The researcher may have to come back to the library or go to the publisher of the information to get an authentic, print copy that he or she can trust.

On the Internet, it can be more difficult to see whether the information is still the same as it was when it was published. The end user of the information needs to be sure it has come from the official publisher and that it hasn’t been tampered with or accidentally altered as it transferred from publisher to end user via upload, storage, search, and retrieval.

We work constantly with patrons who have found information online and are coming to our library to verify its accuracy using the official print resource. Once we can teach our patrons to look for a symbol of authentication online, we will remove a roadblock. Only then will they truly have the access they need on the go.
The second aspect of UELMA—preservation—is also important. As we move to the online publication of legal material, we need to ensure that the material remains available, permanently, to all members of the public. In all of the three examples I just gave, the researcher might need older information. In the library, we have traditionally kept this material on our shelves. We need to do the same in the electronic environment.

The District’s efforts and success in placing so much legal material online is commendable. Once the District finds a way to authenticate its official online legal material, this will mark even greater success in making the law accessible to all, from anywhere.

As you’ve heard already today, Bill 20-221 does not mandate any particular technology; it gives the District time to determine how best to ensure that its legal material is reliable in the online environment, and it begins with a modest amount of legal material—the acts and resolutions of Council; the District of Columbia Official Code; and the District of Columbia Municipal Regulations. I hope the District will have success with these materials, and I’d like to see an expansion to next include the D.C. Register, whenever that is possible.

Thank you for taking the time to listen to my testimony. I ask the Committee to report favorably on this useful uniform act. I’m happy to answer any questions you have at this time.