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Authenticity Key to Success in Life and in Legal Information

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Additional Information

This letter to the editor originally appeared in the Massachusetts Lawyers Weekly.

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By: admin ☉ June 16, 2016

To the editor:

Authenticity is defined as something that is not false or an imitation. Savvy consumers pay a premium for an authentic product and treat with suspicion a product that does not ring true.

We have a system of trademark and copyright protections that protect a company's intellectual property rights and brands and consumer protections to protect the consumer from counterfeit and unsafe products. Now, there is model legislation that will provide a systematic way to protect, preserve and provide better electronic access to the bread and butter of our legal profession: our official state legal documents.

The Uniform Electronic Legal Materials Act, or UELMA, was drafted by the Uniform Law Commission to set standards for state official electronic documents. These standards would ensure that state official electronic documents would be authentic or unaltered, preserved for historic use, and accessible to the public into the future.

Preserving trustworthy electronic access to foundational state legal documents such as the state constitution, statutes, court cases and regulatory materials is essential to our legal system for lawyers, government officials and the general public.

The continued production and dissemination of these materials in print is hard on state budgets that are already under stress. However, we need a way to ensure that any official electronically produced publication is able to be accessed by everyone, as it was originally created, not only today but well into the future.

UELMA will ensure that the documents crucial to our society are accessible and safeguarded in electronic form in this era of data breaches and website hacks. In addition, UELMA is flexible and is specifically technology-neutral so as to be tailored to a state's digital structure and does not prescribe a certain type of storage or authentication.

This model legislation has already been enacted by 13 other states and is currently being considered by the Massachusetts Legislature. UELMA was filed in Massachusetts by the Uniform Law Commission as House Bill 43. It has already gained some support as the Joint Committee on the Judiciary passed H. 43 and has referred it to the House Ways and Means.

Supporting UELMA does not suggest that all official legal documents should be published electronically. However, it does provide a standard to ensure that electronic publishing of such documents will be done with access, preservation and ensuring of an authentic copy be paramount.

Supporting the passage of UELMA will ensure that broad digital access to primary legal materials will be done effectively and with an eye toward preserving authentic copies for the future and providing universal access.

Local and national legal organizations have shown their support for UELMA. In 2012, the ABA House of Delegates approved a resolution supporting UELMA. The American Bar Association's Standing Committee on the Law Library of Congress supports the adoption of UELMA. In addition, the Law Librarians of New England and the Massachusetts Library Association have endorsed H. 43.

On May 19, the Massachusetts Bar Association's House of Delegates voted to support H. 43 to enact UELMA.

Follow the progress of UELMA in the Massachusetts Legislature by going to <https://malegislature.gov/Bills/189/House/H43> and click on the "Bill History" tab. To lend your support, please contact your representative and let them know that UELMA should be passed to ensure that our state legal documents are protected, accessible and authentic.

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The writer is law library director and associate professor of law at the University of New Hampshire School of Law. She also is a member of the UELMA Massachusetts Subcommittee of the Law Librarians of New England Government Relations Committee.

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