

# The Uniform Electronic Legal Material Act

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For: NDIIPP All Partners Meeting

Date: December 6, 2011

# UELMA

- Approved July 12, 2011 by Uniform Law Commission
- Establishes an outcomes-based, technology-neutral framework
- To provide online legal material with the same level of trustworthiness traditionally provided by publication in a law book

# What does UELMA require?

- Official electronic legal material must be:
  - *Authenticated* by providing a method to determine that it is unaltered
  - *Preserved* either in print or electronic form, and
  - *Accessible* for use by the public on a permanent basis

# U.S. Government Printing Office

<http://www.gpo.gov/fdsys/pkg/BILLS-112hr104ih/pdf/BILLS-112hr104ih.pdf>

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112TH CONGRESS  
1ST SESSION

## H. R. 104

To ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Mr. BOUSTANY (for himself, Mr. COURTYNEY, Mr. GRIN GRIN of Texas, Mr. SIMPSON, Ms. BORDALLO, Mr. PAUL, Mr. SCALISE, Mr. NADLER, Mrs. McMOORE RODRIGUEZ, Mr. MCCAUL, Mr. OLSON, Ms. RICHARDSON, Mr. ALEXANDER, Mr. LYNCH, Mrs. MILLER of Michigan, Mr. BRADY of Texas, Mr. CUMMINGS, Ms. SUTTON, Mr. CAPUANO, Mrs. CAPPS, Mr. SIKES, Mr. THOMPSON of California, Ms. FUDGE, Mr. BONNER, Mr. CALVERT, Mr. STARK, and Ms. LEE of California) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

### A BILL

Done Unknown Zone

# Delaware

<http://delcode.delaware.gov/sessionlaws/ga146/chp002.shtml#TopOfPage>

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DEPARTMENT OF REVENUE  
ADMINISTRATIVE SERVICES  
DIVISION OF TAXES

CHAPTER 2  
FORMERLY  
SENATE BILL NO. 8

AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER RELATING TO COUNCIL AND THE MAYOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Section 5 of Article II of the charter of the City of Dover by deleting the sentence:

"If a councilman files and runs for mayor, whether or not they are elected to said office, the term as councilman shall automatically expire on the second Monday of May on the year of the election; and if they have a year remaining on their term, then their office as councilman shall be filled at the same annual election in which they have filed to run for the office of mayor."

Approved February 22, 2011

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# Ohio

<http://www.sconet.state.oh.us/rod/docs/pdf/0/2011/2011-ohio-3044.pdf>

http://www.sconet.state.oh.us/rod/docs/pdf/0/2011/2011-ohio-3044.p...

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## The Supreme Court of Ohio

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### CASE ANNOUNCEMENTS

June 23, 2011

[Cite as *06/23/2011 Case Announcements, 2011-Ohio-3044*.]

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### MERIT DECISIONS WITH OPINIONS

2010-1094. *Columbus City Schools Bd. of Edn. v. Testa*, Slip Opinion No. 2011-Ohio-2907.  
Board of Tax Appeals, No. 2009-V-4110. Cause remanded to the Board of Tax Appeals for further proceedings.  
O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

2010-1570. *State ex rel. Zeigler v. Zumbar*, Slip Opinion No. 2011-Ohio-2939. In Quo Warranto. Writ granted.  
O'Connor, C.J., and Lundberg Stratton, Lanzinger, Cupp, and McGee Brown, JJ., concur.  
Pfeifer and O'Donnell, JJ., dissent.

2010-1693. *Disciplinary Counsel v. Character*, Slip Opinion No. 2011-Ohio-2902.

Done Unknown Zone

# Utah

<http://www.rules.utah.gov/publicat/code.htm>

[http://www.rules.utah.gov/publicat/code\\_rtf/md5.txt](http://www.rules.utah.gov/publicat/code_rtf/md5.txt)

<http://www.rules.utah.gov/publicat/code.htm#Administrative>

The screenshot shows a Windows Internet Explorer browser window with the address bar displaying `http://www.rules.utah.gov/publicat/code_rtf/md5.txt`. The main content area displays a text file with the following text:

```
** This file contains a list of files and their MD5 hashes. The MD5 hash can be used to verify that the files have not been altered or changed since their creation by the Division of Administrative Services.  
** There are freeware, free, and open source tools that allow you to verify that the MD5 hashes have downloaded matches the value of the MD5 hashes. Several possibilities are listed below that do not constitute an endorsement or approval of the tool.  
** MD5Summer (graphical user interface) http://www.md5summer.org/  
** winMD5Sum (graphical user interface) http://www.nullriver.com/index.php  
** MD5SUMS (no graphical user interface) http://www.pc-tools.net/win32/md5sums/  
** File Checksum Integrity Verifier (no graphical user interface) http://support.microsoft.com/kb/841290  
//  
// File Checksum Integrity Verifier version 2.05.  
//  
0f4be597c0ff770d34b1fc331043a002 r013-001.rtf  
fcdfb8937b90d61dfec405741fe94f73 r013-002.rtf  
5a45b4aab8e07b76144b06b916d71eb9 r013-003.rtf  
53a834d0d9265353747434c81d846c6c r015-001.rtf  
745733371c0d8db02764a02c4cf9b125 r015-002.rtf
```

The screenshot shows a Windows Internet Explorer browser window with the address bar displaying `http://www.rules.utah.gov/publicat/code.htm#Administrative`. The main content area displays the 'Administrative Services' page with a list of links:

- Title R13. Administration. ([HTML](#) | [compressed RTF](#))
- Title R15. Administrative Rules. ([HTML](#) | [compressed RTF](#))
- Title R17. Archives. ([HTML](#) | [compressed RTF](#))
- Title R19. Child Welfare Parental Defense (Office of). ([HTML](#) | [compressed RTF](#))
- Title R21. Debt Collection. ([HTML](#) | [compressed RTF](#))
- Title R23. Facilities Construction and Management. ([HTML](#) | [compressed RTF](#))

The screenshot shows a WinZip (Evaluation Version) - r013[1] window with a file list:

Name	Type	Modified
file_id.diz	DIZ File	6/25/2011 3:05 PM
r013-001.rtf	Rich Text Format	6/25/2011 5:05 PM
r013-002.rtf	Rich Text Format	6/25/2011 5:05 PM
r013-003.rtf	Rich Text Format	6/25/2011 5:05 PM

Selected 1 file, 16KB

# Minnesota – Authentication Prototype

Chapter 180 - Revisor of Statutes - Windows Internet Explorer

https://wwwtest.revisor.mn.gov/laws/?id=180

Legislature Home Contact Accessibility Help FAQ

Revisor of Statutes

Search Legislature:  Search

Other Searches

Joint Departments and Commissions

Today is Thursday, June 30, 2011

Bill Search and Status Schedules Publications General Information

## Minnesota Session Laws

Search Authenticate Pdf Print

Key: (1) language to be deleted (2) new language

### 2010, Regular Session

CHAPTER 180--S.F.No. 848

An act

relating to elections; changing certain requirements for elections; amending Minnesota Statutes 2008, sections 204B.19, subdivisions 1, 2; 204B.46; 205.075, subdivision 1, by 367.03, subdivision 4, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE



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Back Forward Search Folders

Address C:\temp\_laws

Name	Size	Type	Date Mo
2010-180.pdf	143 KB	Adobe Acrobat Doc...	6/30/20

Complete? Unaltered?



# Minnesota – Authentication Prototype

Minnesota Legislature - Office of the Revisor of Statutes - Windows Internet Explorer

https://wwwtest.revisor.mn.gov/beta/hash/hash.php?id=180&year=2010&type=0

Minnesota Legislature - Office of the Revisor of Statutes

Legislature Home | Contact | Accessibility | Help | FAQ

Search Legislature: [ ] [Other Searches] [Search]

Today is Friday, July 8, 2011

House | Senate | Joint Departments and Commissions

Statutes, Laws, and Rules | Bill Search and Status | Schedules | Publications | General Information

## Document Authentication

Document Laws 2010, Chapter 180  
SHA-1 Hash 36d328ebdb7373d0eb0848922ab229dcddee865

The documents available on the Office of the Revisor, State of Minnesota website are published and a unique encryption code utilizing the [SHA-1](#) encryption algorithm is computed for each unique PDF file. This encryption code may be authenticated using a variety of tools as listed, including

- Microsoft File Checksum Integrity Verifier, download at [windows-kb841290-x86-enu.exe](#)
- SHA-1 Checksum Utility available at [cnet.download.com](#)
- HashTab utility also available at [cnet.download.com](#)

Alternatively, you may upload a PDF file to be authenticated by our servers to confirm SHA-1 hash value

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f the Revisor of Statutes - Windows Internet Explorer

mn.gov/beta/hash/hash.php?id=180&year=2010&type=0

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Office of the Revisor of Statutes

Legislature Home | Contact | Accessibility | Help | FAQ

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## Document Authentication

File "2010-180.pdf" is a valid replica of this document

Document Laws 2010, Chapter 180  
SHA-1 Hash 36d328ebdb7373d0eb0848922ab229dcddee865

The documents available on the Office of the Revisor, State of Minnesota website are published and a unique encryption code utilizing the [SHA-1](#) encryption algorithm is computed for each unique PDF file. This encryption code may be authenticated using a variety of tools as listed, including

- Microsoft File Checksum Integrity Verifier, download at [windows-kb841290-x86-enu.exe](#)
- SHA-1 Checksum Utility available at [cnet.download.com](#)
- HashTab utility also available at [cnet.download.com](#)

Alternatively, you may upload a PDF file to be authenticated by our servers to confirm SHA-1 hash value

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Revisor Publications  
Duties  
Staff Directory  
Revisor Attorneys  
Employment Openings  
Educational Seminars 2010  
Revisor Intranet

# What is the legal effect of authentication?

- If authenticated, presumed to be an accurate copy of the legal material
- Presumption applies in another state that has adopted UELMA
- Party contesting authentication has burden of proving by a preponderance of the evidence that legal material is not authentic

# What is required if preservation done electronically?

- Ensure integrity of the record,
- Provide for back-up and disaster recovery, and
- Ensure the continuing usability of the material

# Preservation Options For Digital Material

<http://www.mnhs.org/preserve/records/legislativerecords/preservation.htm>

## Digital File Preservation Options

Issue ↓ Response →	Simple	Better	Best
<b>Policy Framework</b>	<ul style="list-style-type: none"> <li>• Identification of legal requirements and industry best practices for records retention, access, and use</li> </ul>	<ul style="list-style-type: none"> <li>• Analysis and prioritization of records based on legal and management requirements and value to the organization and others</li> </ul>	<ul style="list-style-type: none"> <li>• Sustainable collaborations to meet legal requirements and to support expectations of principal constituencies</li> </ul>
<b>Documentation</b>	<ul style="list-style-type: none"> <li>• Approved record retention schedule</li> <li>• System documentation retained for life of system</li> </ul>	<ul style="list-style-type: none"> <li>• Record retention schedule</li> <li>• System documentation</li> <li>• Documentation of record-related policies and procedures</li> </ul>	<ul style="list-style-type: none"> <li>• Record retention schedule</li> <li>• System documentation</li> <li>• Documentation of record-related policies and procedures</li> <li>• Documentation of all preservation-related actions over time</li> </ul>
<b>Storage Media</b>	<ul style="list-style-type: none"> <li>• Any kind</li> </ul>	<ul style="list-style-type: none"> <li>• Nearline removable media (e.g., optical jukebox)</li> <li>• Online network server storage</li> </ul>	<ul style="list-style-type: none"> <li>• Network server storage</li> <li>• Migration plan for moving files to new storage media over time</li> </ul>
<b>File Format</b>	<ul style="list-style-type: none"> <li>• Any kind</li> </ul>	<ul style="list-style-type: none"> <li>• Non-proprietary</li> <li>• Open source</li> </ul>	<ul style="list-style-type: none"> <li>• Non-proprietary</li> <li>• Open source</li> <li>• Conversion plan for moving files to new formats as necessary</li> </ul>
<b>Metadata</b>	<ul style="list-style-type: none"> <li>• System-generated</li> </ul>	<ul style="list-style-type: none"> <li>• System-generated</li> <li>• Discovery/access metadata for indexing</li> <li>• Use of appropriate recognized metadata standard</li> </ul>	<ul style="list-style-type: none"> <li>• System-generated</li> <li>• Discovery/access metadata for indexing</li> <li>• Use of appropriate recognized metadata standard</li> <li>• Metadata to facilitate preservation activities over time</li> </ul>
<b>Security</b>	<ul style="list-style-type: none"> <li>• Level commensurate with applicable privacy requirements for content</li> </ul>	<ul style="list-style-type: none"> <li>• Level commensurate with applicable privacy requirements for content</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate security level for content</li> <li>• Audit trail logs</li> <li>• Security control of management actions</li> </ul>
<b>Recovery Copies</b>	<ul style="list-style-type: none"> <li>• Periodic backups on removable media stored at location separate from immediate system environment</li> </ul>	<ul style="list-style-type: none"> <li>• Periodic backups on removable media stored off-site</li> </ul>	<ul style="list-style-type: none"> <li>• Periodic backups on removable media stored off-site</li> <li>• QA checks for completeness and file integrity</li> <li>• Comprehensive disaster recovery plan</li> </ul>
<b>Staff Skills/Time</b>	<ul style="list-style-type: none"> <li>• IT staff time to manage system</li> <li>• Records staff time to manage retention schedules</li> <li>• Records staff time to oversee disposal of records</li> </ul>	<ul style="list-style-type: none"> <li>• IT staff time to manage system</li> <li>• Records staff time to manage retention schedules</li> <li>• Records staff time to oversee disposal of records</li> <li>• Records staff time to manage/communicate policies and procedures</li> <li>• Staff time for metadata/indexing</li> </ul>	<ul style="list-style-type: none"> <li>• IT staff time to manage system</li> <li>• Records staff time to manage retention schedules</li> <li>• Records staff time to oversee disposal of records</li> <li>• Records staff time to manage/communicate policies and procedures</li> <li>• Staff time for metadata/indexing</li> <li>• Staff time to maintain and implement back-up procedures, migration, conversion, and disaster recovery plans</li> </ul>

# MDL Preservation Options Matrix

\*\* being reviewed and edited \*\*

<http://goo.gl/2XN1L>

Abbrev.	Preservation System Name
HT	HathiTrust <a href="http://www.hathitrust.org/about">http://www.hathitrust.org/about</a>
UC3	University of California Curation Center <a href="http://merritt.cdlib.org/">http://merritt.cdlib.org/</a>
MA	MetaArchive, using a private LOCKSS network (Lots of Copies Keep Stuff Safe) <a href="http://www.metaarchive.org">http://www.metaarchive.org</a>
OCLC	Online Computer Library Center <a href="http://www.oclc.org/about/default.htm">http://www.oclc.org/about/default.htm</a>
Chron.	Chronopolis <a href="https://chronopolis.sdsc.edu/about.html">https://chronopolis.sdsc.edu/about.html</a>
D , DAITSS	Dark Archive in the Sunshine State <a href="http://daitss.fcla.edu/wiki/AboutPage">http://daitss.fcla.edu/wiki/AboutPage</a>
T	Tessella <a href="http://www.digital-preservation.com/">http://www.digital-preservation.com/</a>

**MDL Preservation Options Matrix**

Full Matrix | Charts | Subsets | Nice | Important | Vital | Compact | System

Attribute	Weight	Hathi1	UC3	MA	OCLC	Chron	DAITSS	Tessel
<b>FITNESS</b>								
Allows MDL to archive native formats.	2	0	5	5	5	5	5	5
Allows MDL to limit rights to use certain material.	3	3	5	5	5	5	5	5
Reliable bit preservation	3	5	5	5	5	5	3	5
Allows MDL to archive metadata in native format	1	0	5	5	5	4	4	4
Reliable metadata preservation	2	5	5	5	5	5	3	5
Metadata can be associated with object it describes	2	5	5	2	2	5	5	5
Internal monitoring present and accountable	3	4	4	4	2	5	5	4
Access to code driving the repository	1	4	4	5	0	4	5	3
Clear documentation	2	3	3	4	4	2	2	3
Customer service plan	2	3	3	4	5	4	0	5
Requires local copy of full archive	2	5	5	3	5	5	0	5
Level of effort in preparation of material or SIPs	2	0	5	3	5	3	2	3
Complexity of recovering from errors in the preparation of material or SIPs	2	0	5	4	5	3	2	3
Complexity of content retrieval	2	0	5	4	4	4	5	5
Readiness to accomodate MDL needs	2	4	4	5	3	3	2	3
Level of MDL staff required to manage process	1	1	4	3	2	3	5	3
Number of copies maintained in archive	3	4	3	5	4	5	0	0
Material joining the archive is normalized								
Material in the archive is migrated as formats change								
After migration, both old version and new are saved.		3	4			0		4
Records management services available	1	0	0	0		0	0	1
How long is our contract, how predictable is the cost?	2	5	5	3	0	0	0	0
Batch upload available	3	4	5	4	3	4	4	5
Batch retrieval available	2	2	3	4	3	3	4	4
Inventory reports available (things like number of collections, number of objects, etc.)	1	0	0	3	3	4	4	5
<b>ACCESS</b>								
Attribute	Weight	Hathi1	UC3	MA	OCLC	Chron	DAITSS	Tessel
Archive serves as alternative access point		17	27	30	16	26	20	32
Access to masters restricted	3	4	5	5	2	5	5	5
Access to high resolution derivatives	3	5	5	5	1	5	5	5

# What legal material is covered by the act?

- Mandatory: (whether or not in effect)
  - State Constitution
  - Session Laws
  - State Code or Statutes
  - State Agency rule that has or had effect of law
- Permissive:
  - State agency decisions
  - Reported decisions of specified courts
  - State court rules
  - Any other category of legal material

# Who must implement the requirements of the act?

- For each type of legal material, the state must name a state agency or official as the “official publisher”
- Official publisher for that type of legal material has responsibility to authenticate, preserve, and provide access

# What electronic legal material is official?

- If legal material defined in the act is published ONLY electronically,
  - must be designated official
  - requirements of act to authenticate, preserve, and provide access must be met
- If there is both a print and electronic version,
  - online version may be designated official,
  - but, requirements to authenticate, preserve, and provide access must be met



# When does the act apply?

- Prospectively, to official electronic legal material first published on or after the effective date of the act
- Each state chooses effective date

# Are there issues not addressed by UELMA?

- Relationships between official state publisher and a commercial publisher left to contract law
- Copyright laws are unaffected
- Rules of evidence are unaffected

# How will the act provide guidance as technology standards for electronic legal material continue to evolve?

- Official publishers required to consider most recent standards regarding:
  - authentication
  - preservation and security
  - public access
- Also, consider harmony with methods and technologies used by official publishers in this state and other states that have adopted the act
- Outcomes-based requirements allow flexibility to respond to emerging standards

# Steps After 2011 ULC Annual Meeting

- UELMA was styled by Uniform Law Commission in September, 2011
- Chair and reporter finalized comments in October, 2011
- UELMA presented to American Bar Association in February, 2012

# Enactments!

- UELMA ready for 2012 enactments
- Act is “targeted” by Uniform Law Commission
- AALL will be instrumental in enactment efforts