The Uniform Electronic Legal Material Act

Implementation in California and Minnesota

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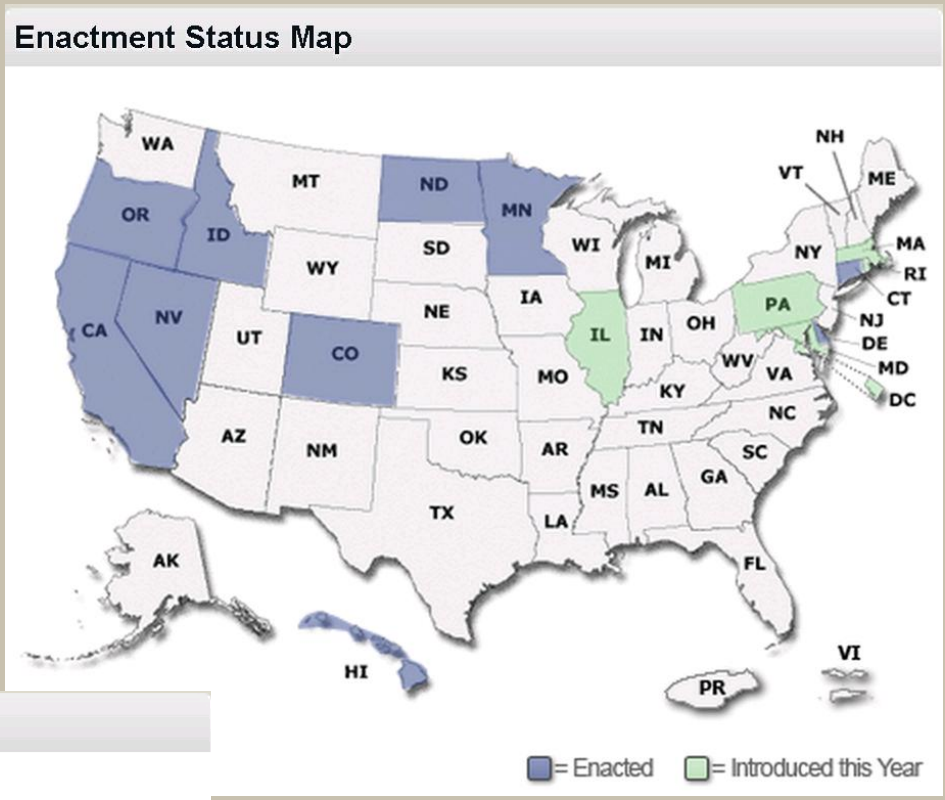
UELMA

- Approved July 12, 2011 by Uniform Law Commission
- Approved February 6, 2012, by American Bar Association
- 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

Enactments!



Legislative Tracking

2014 Introductions & Enactments

State	Bill	Sponsor	Status
Delaware	HB 403	Walker	Enacted
District of Columbia	20-221	Wells	Introduced
Idaho	SB 1356		Enacted
Illinois	SB 1941	Mulroe	Introduced
Maryland	HB 46	Arora	Introduced
Massachusetts	HB 38		Introduced
Pennsylvania	SB 601	Scarnati	Introduced
Rhode Island	HB 7604	Hearn	Introduced

Outcomes – Based Standards

- Permit variety of implementation methods and costs
  - Purchase of commercially-available software
  - Development in-house by states
- Allow for future technology development

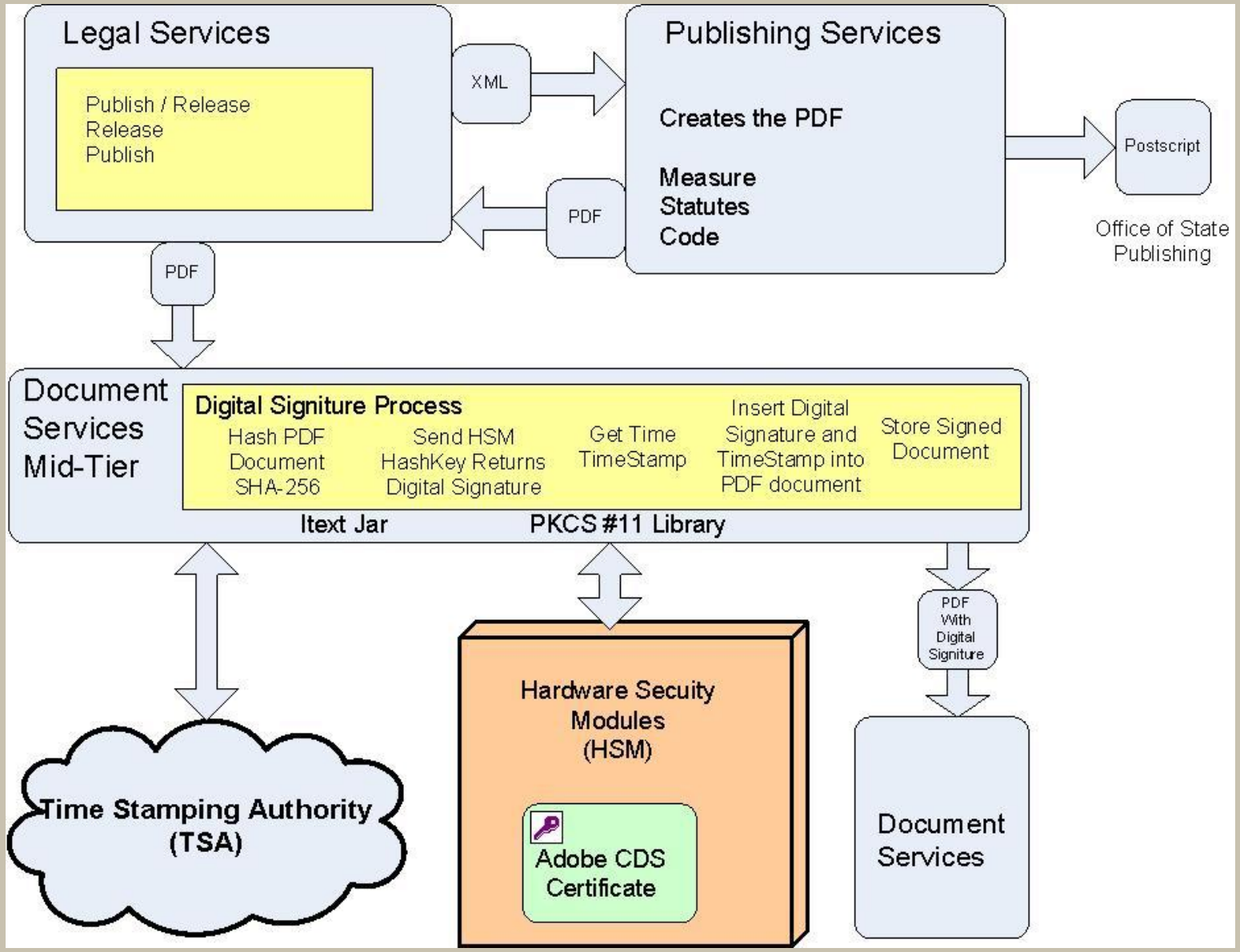
California - UELMA in Statutes

- Enacted in California Statutes in 2012 (Article 4 commencing with Section 10291 of Government Code)
  - Chapter 310. Uniform Electronic Legal Material Act
- Legal materials covered by the statute (Article 4 Section 10291 of Government Code)
  1. The California Constitution;
  2. The California Codes;
  3. The Statutes of California
- Official publisher – Legislative Counsel Bureau
- Preservation(Article 4 Section 10296 of Government Code)
  1. Ensure the integrity of the record.
  2. Provide for backup and disaster recovery of the record.
  3. Ensure the continuing usability of the material.

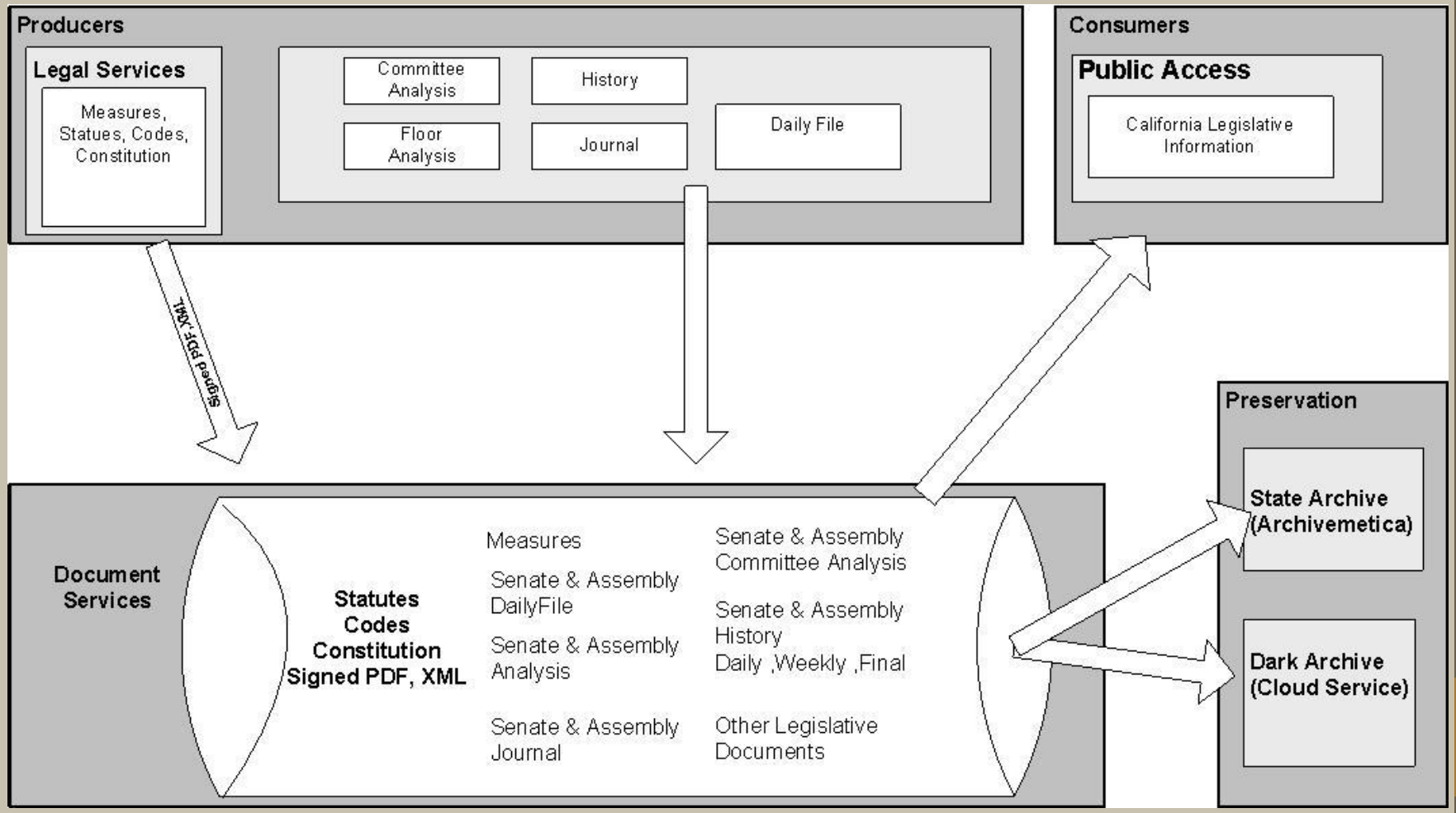
California - Strategy

- Developed a the list of legal materials to preserve.
  - Legal and Information Technology Staff
  - State Library and State Archives
- Identified what historical data we have electronically
- Worked with State Archives to identified meta data for audit trail.
- Formalized preservation business procedures.
- Outlined audits and disaster recovery guidelines
- Identified three archival repositories for the documents:
  - On Site,
  - State Archives
  - Cloud.
- Developed a white paper outlining Authentication methods and cost
- Met with various stakeholders (Legal Librarians and State Agency representatives) to seek their opinion on what Authentication methods to use and what level of authentication would be useful.

California - Authentication Process



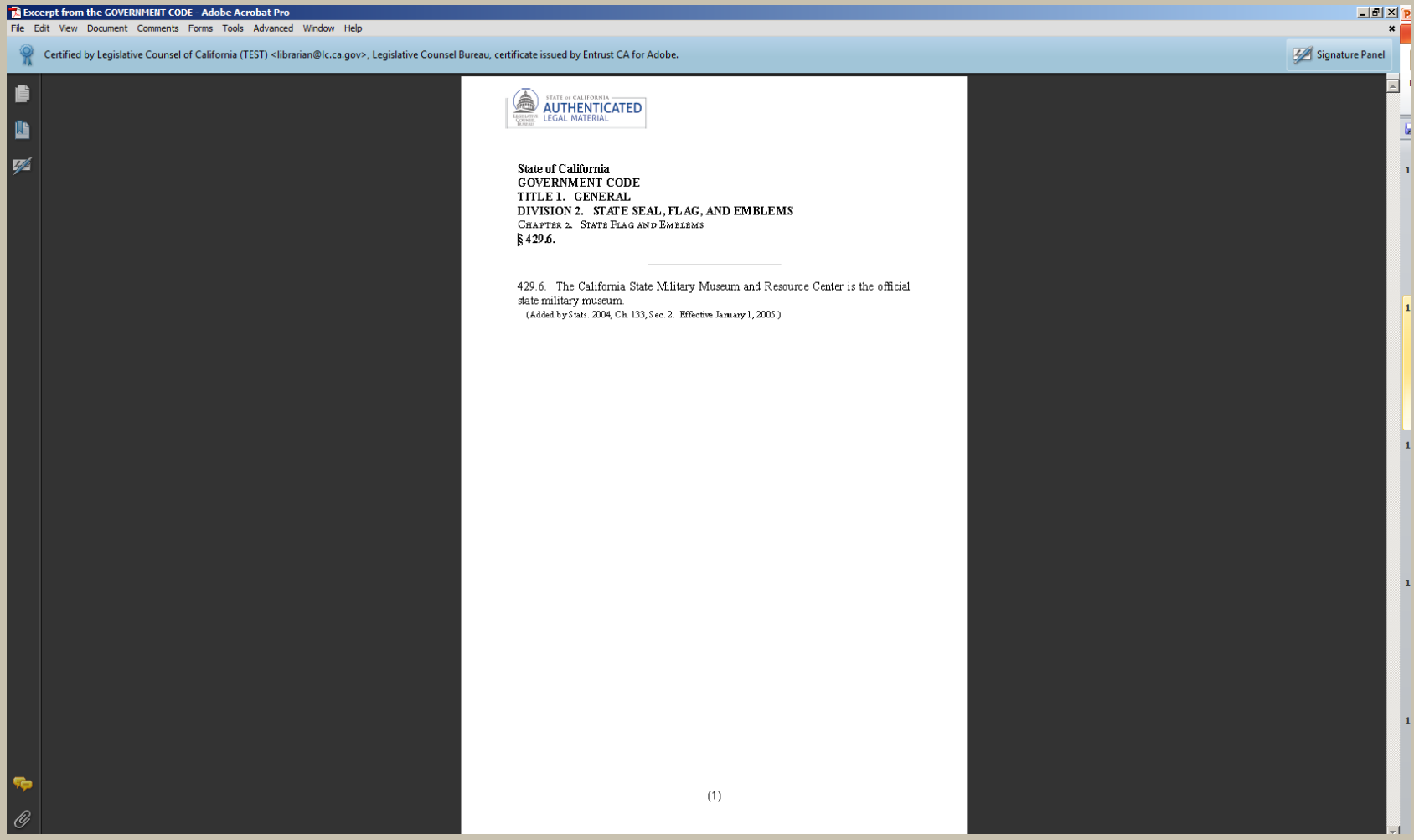
California - Flow of Document



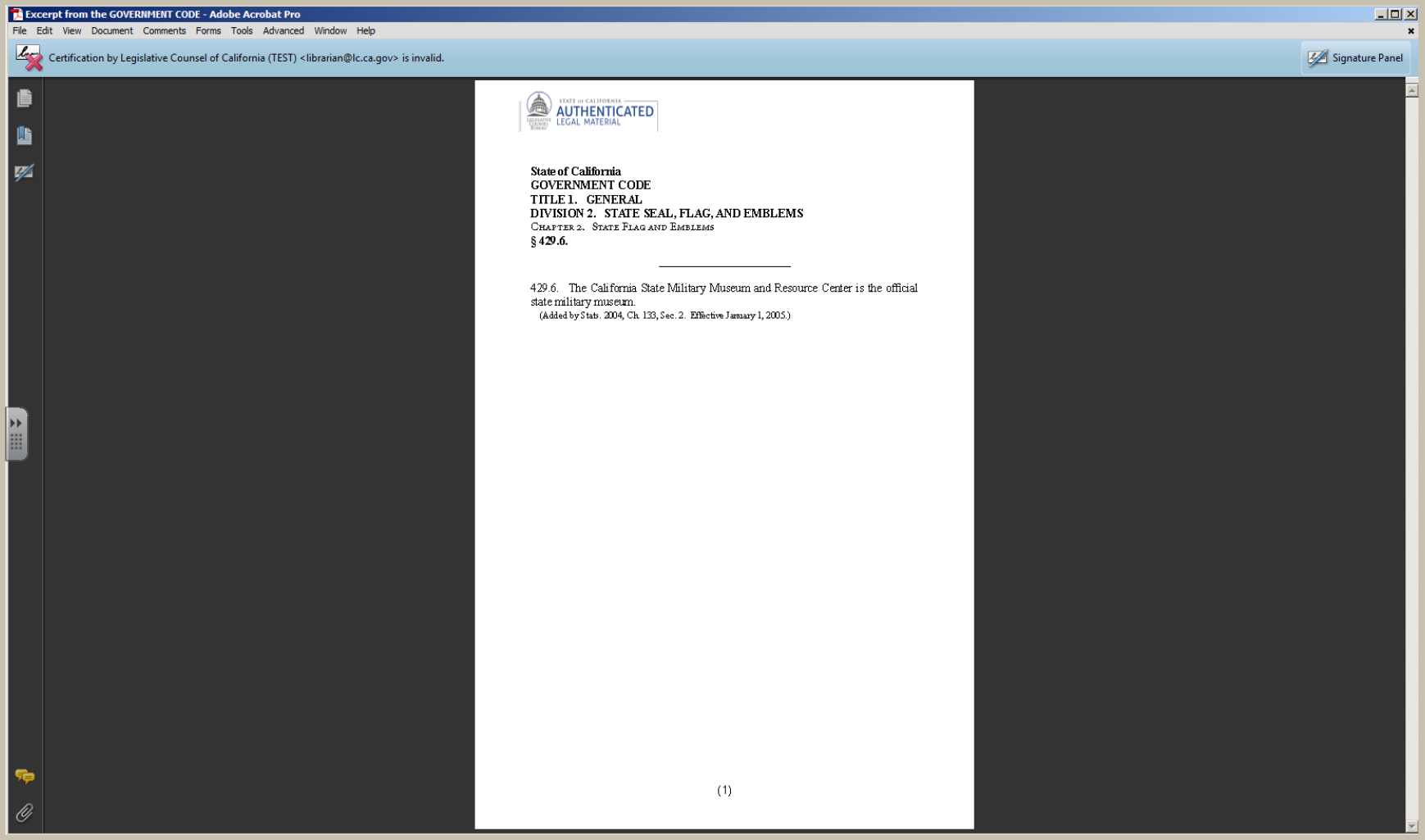
California - Signed Pdf Samples

1. Statutes (Chaptered Measures)
   Chapter 223
2. Full Code
   Fish and Game
3. Code Section
   Government Code 429.6
4. Constitution
   Article III Sec. 2.

California - Signed PDF



California - Invalid Signed PDF



California - Public Access

California Legislative Information
http://leginfo.legislature.ca.gov/

1. Chapter 223
   http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB14&search_keywords=

2. Government Code 429.6
   http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=429.6.

3. Article III Sec 202
   http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CONS&sectionNum=SEC.%202.&article=III

- Estimated deployment Spring 2015

California - UELMA Still to do

- Implement Preservation
- Authenticate XML Versions
- Integrate with State Archives
- Implement the Business Process for audits and upgrades
- Implement Disaster Recover procedures

Minnesota - UELMA in Statutes

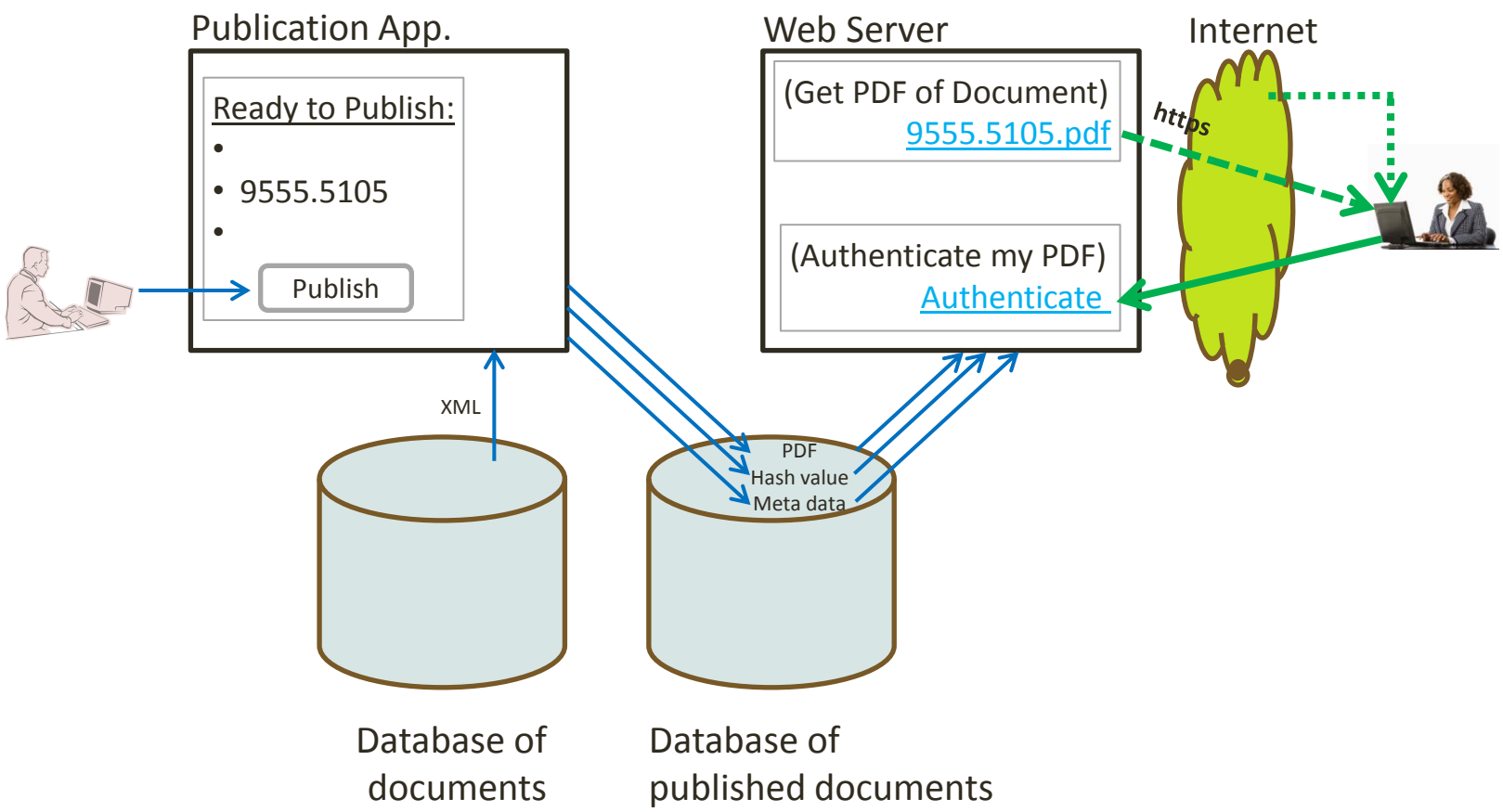
- Enacted in Minnesota Statutes 2013
  - Chapter 3E. Uniform Electronic Legal Material Act
  - https://www.revisor.mn.gov/statutes/?id=3E&view=chapter
- Legal materials covered by the statute
  - Section 3E.02 subd. 3

    (1) the Minnesota Constitution;
    (2) Laws of Minnesota;
    (3) Minnesota Statutes;
    (4) Minnesota Rules.
- Official publisher – Office of the Revisor of Statutes
- Authentication requirement

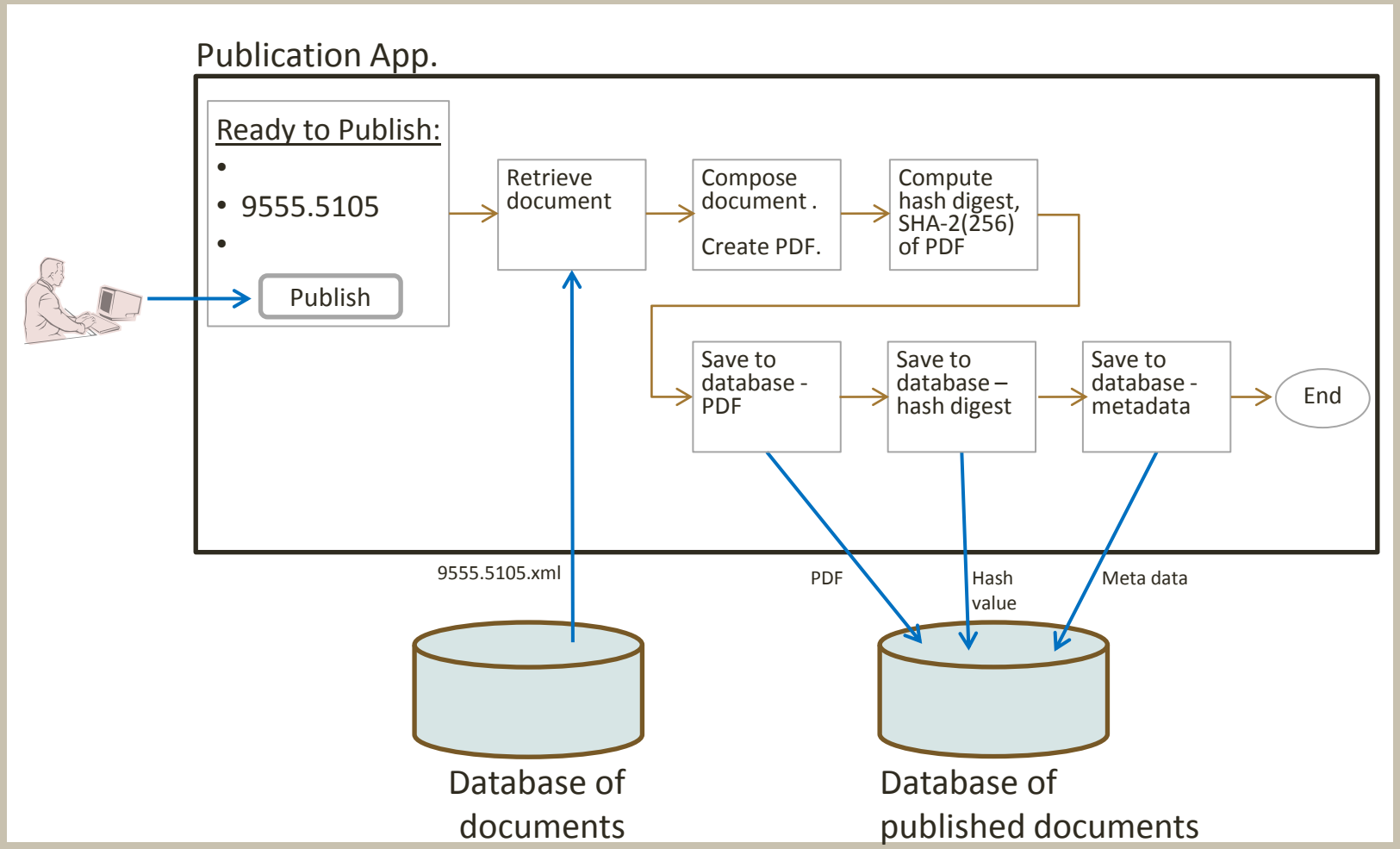
3E.05 AUTHENTICATION OF OFFICIAL ELECTRONIC RECORD.

An official publisher of legal material in an electronic record that is designated as official under section 3E.04 shall authenticate the record. To authenticate an electronic record, the publisher shall provide a method for a user to determine that the record received by the user from the publisher is unaltered from the official record published by the publisher.

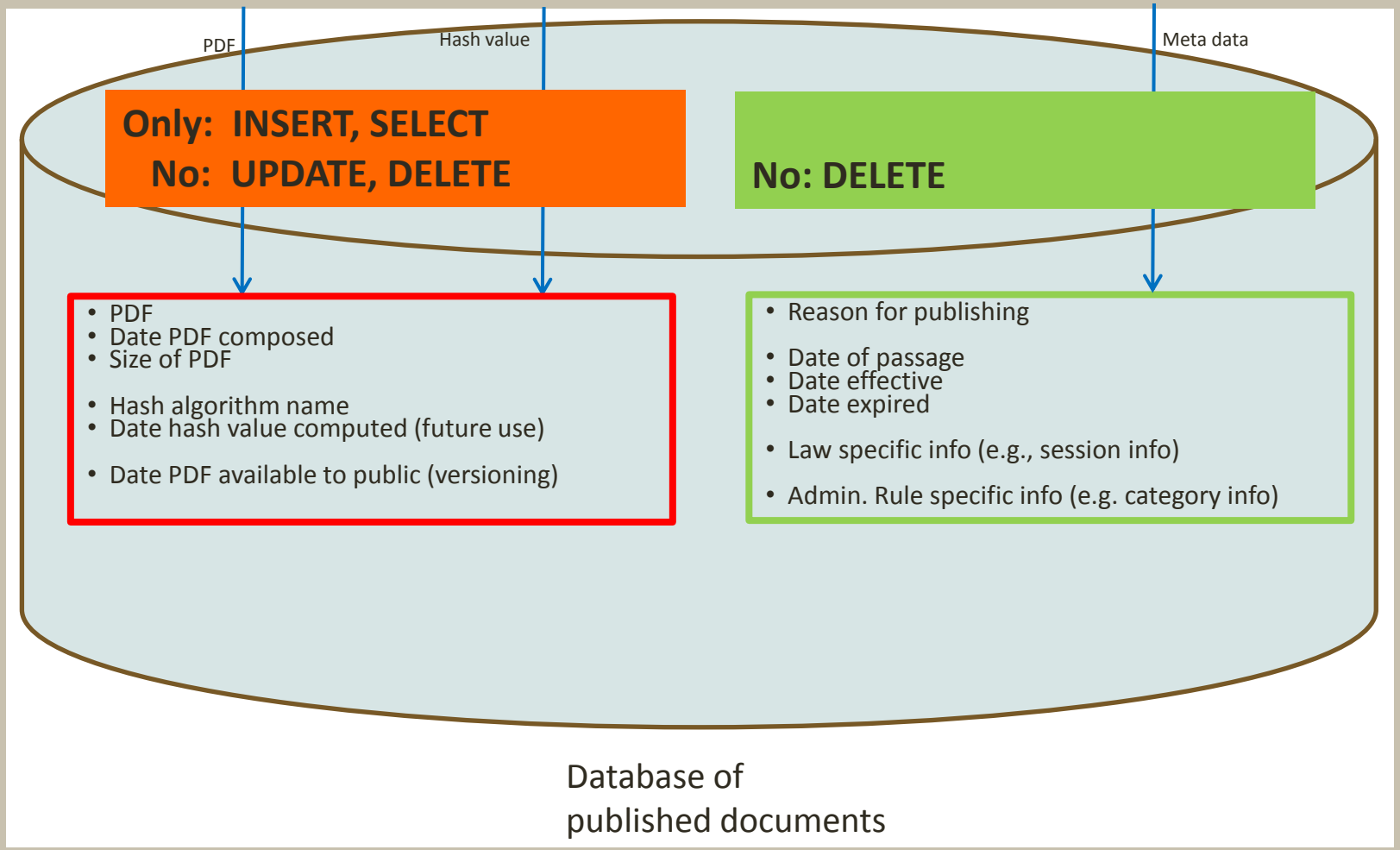
Minnesota - IT Architecture



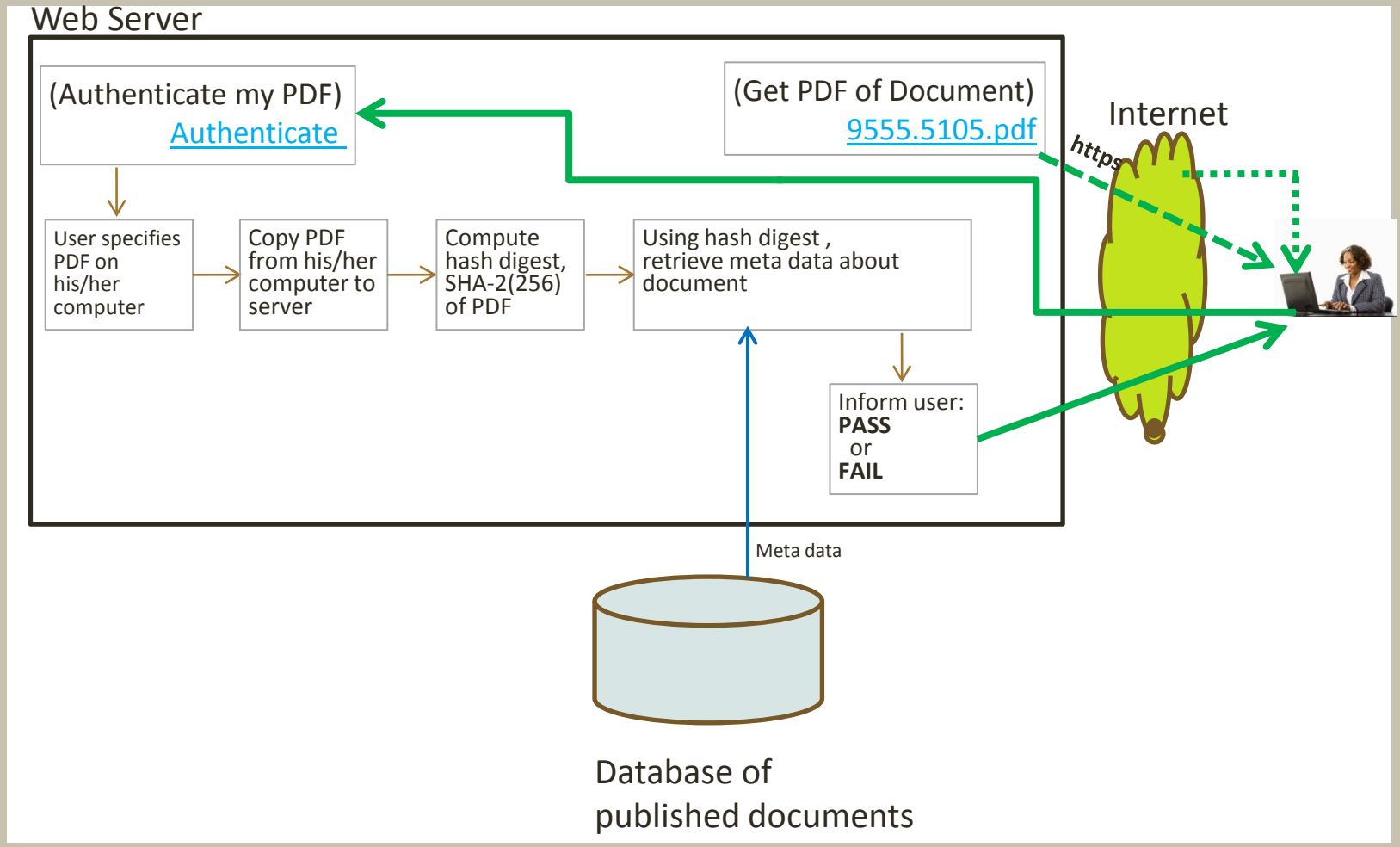
Minnesota - IT Architecture (cont.)



Minnesota - IT Architecture (cont.)



Minnesota - IT Architecture (cont.)



Minnesota - Demonstration

Save a PDF to my computer

1. Go to Rule 9555.5105 (https://www.revisor.mn.gov/rules/?id=9555.5105)
2. Right mouse click on the Pdf link. "
3. Save target as …"

Authenticate the PDF on my computer

1. Go to any Authenticate link on the Minnesota Revisor's web site (https://www.revisor.mn.gov/laws/current/)
2. Click the Browse button
3. Select the file saved in step 3. Click the Open button.
4. Click the Authenticate button at bottom of page.
5. See message –
    1. "Your file is an authentic PDF copy of … "
    2. "Your file is NOT authenticated"

Minnesota - UELMA Solution

- Disadvantages
  1. Not as user friendly as Signed PDFs.
  2. Custom software needs to be developed and maintained.
     - 5 developers worked 9 months to develop authentication feature for first (of 4) document types.
  3. Authenticating every version adds complexity to the database and software design.
  4. Database size will grow over time, as PDFs are published.
     - Database performance will suffer unless partitioning or other tactics are utilized

Minnesota - UELMA Solution

- Advantages
  1. System can identify obsolete versions of a document.
  2. No new software was purchased.
  3. Scalability. After system is built for 1 document type, additional doc types can be added using variations of the architecture.
  4. Easy to add new hash algorithms in the future.
  5. System can be expanded to authenticate additional file formats: images, audio, video, etc.

Additional Resources

- U.S. Government Printing Office
  - http://www.gpo.gov/authentication/faq/

- California White Paper
  - Discusses 5 methods of authentication
  - Outlines pricing options for each method
  - Find at:
    - http://ccusl.ca.gov/sites/ccusl.ca.gov/files/Authentication%20of%20Prima
      or
    - http://www.mnhs.org/preserve/records/legislativerecords/authentication.htm

- Minnesota White Paper
    - https://www.revisor.mn.gov/revisor/pubs/Minnesota_Authentication_Prototype.pdf

- District of Columbia Open Source Demonstration
  - The source code is at https://github.com/unitedstates/authentication

  - A demo is at http://auth.esq.io/admin/ Username: demo Password: test

- American Association of Law Libraries "AALL"
  - developing a best practices paper
  - should be available in fall, 2014