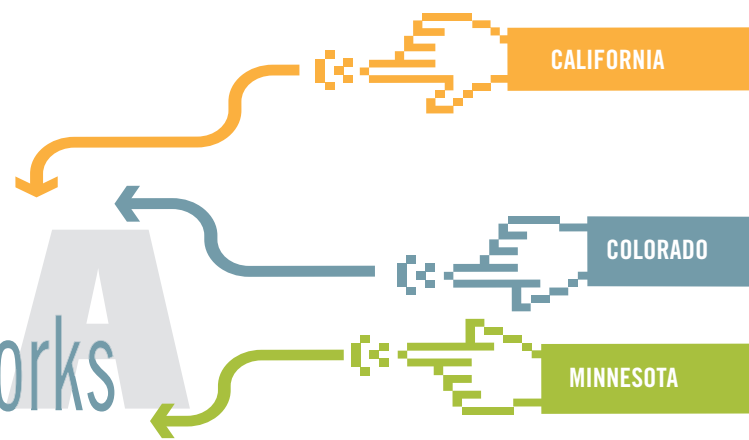


# UELMA

## Local Advocacy Networks



### Adopting *UELMA* in your state and how you can help

By Catherine M. Dunn

There are many reasons members of the law library profession shy away from advocacy, but a very common one is the belief that a single or small collection of voices cannot make a meaningful difference on information policy issues.

However, the story of how the *Uniform Electronic Legal Material Act (UELMA)* came to be and its path to enactment in the first few states to do so proves that this could not be further from the truth. Individuals and small groups of advocates can have a tremendous impact. In addition, as famously coined by Tip O'Neill, "All politics is local." Much has been accomplished, but this is a critical point in time in terms of how well *UELMA* catches hold in the states, and successful adoption in every state is only possible through networks of law librarians at the local level.

#### History of *UELMA*

Long before the strange-sounding term "*UELMA*" became common in the vocabulary of law librarians, members of this profession could see the complications inherent in the shift toward the electronic publication of legal information, especially primary legal information. Government entities began publishing materials online at a record rate in the name of cost-cutting measures and expanded access, but the vast majority gave insufficient consideration to how to ensure permanent access to an authentic version of such materials.

In order to pin down exactly what the states were doing, AALL reviewed every state's online legal publications and reported its findings in its *State-by-State Report on Authentication of Online Legal Resources*, which was released in 2007. The report was based on

an authentication survey that investigated six primary sources of the law: state statutes and session laws, state high and intermediate appellate court opinions, and state administrative codes and registers. At that time, the survey revealed that a significant number of state online legal resources had been designated as official but none of them were authenticated, so no state online legal resources could be deemed sufficiently trustworthy as substitutes for the official print versions. Considering that states were already moving toward an online-only format for such resources, it was a disturbing finding.

AALL released updates to the report in 2009 and 2012, and, though there have been some improvements, most state online legal resources remain untrustworthy as substitutes for the official print versions. Also, the number of states publishing legal materials in an online-only format continues to grow. Fourteen states, plus the District of Columbia, have ceased printing at least one official primary legal resource in favor of an online-only format. In the vast majority of cases, they are doing so without assuring that the resource is trustworthy and reliable for purposes of ensuring permanent public access.

In April 2007, AALL convened a National Summit on Authentication of Digital Legal Information in Chicago to discuss the findings in the *State-by-State Report on Authentication of Online Legal Resources* as well as legal and technological solutions. Along with AALL leaders, approximately 50 delegates from

various parts of the legal community participated in the summit. In discussing legal solutions and what participants should do to help advance these issues post-summit, one of the top recommendations, put forth by Michele Timmons, was to draft a uniform act addressing them.

Timmons, a delegate at the summit, is the Revisor of Statutes for the State of Minnesota and a Commissioner on the Uniform Law Commission (ULC). Following the summit, AALL submitted a formal request to the ULC, which agreed to appoint a Study Committee to review the idea. After the Study Committee recommended that a uniform law be developed on these issues, the ULC established a Drafting Committee and named Timmons its chair. Barbara Bintliff, currently the director of the Tarlton Law Library at the University of Texas School of Law, served as the committee's reporter, and Keith Ann Stiverson, director of the Chicago-Kent College of Law Library, served as AALL's observer.

As Bintliff detailed in an October 2011 post on the VoxPopuLII blog, the drafting process took more than two years and involved many twists and turns. The committee met in person numerous times, participated in conference calls, and circulated a significant number of drafts by email. During this time, differing points of view and other roadblocks threatened to stall or fully derail the committee's efforts. In addition, once the committee completed its draft of *UELMA*, it was subject to the ULC's requirement that all of its commissioners, as part of the ULC's Committee of the Whole, consider the act section by section during at least two annual meetings.

When *UELMA* was read for a second time and opened for debate during the ULC's annual meeting in July of 2011, its passage was by no means guaranteed. The floor debate on *UELMA* lasted for more than six hours, and it was nearly held over for additional consideration during the ULC's next annual meeting the following year. Thanks to the heroic efforts and perseverance of Timmons and Bintliff, however, the ULC's Committee of the Whole approved *UELMA* at the eleventh hour of its July 2011 meeting. *UELMA* then passed the ULC's final step, a vote by the states in which each state has one vote, by a margin of 45-0. Lastly, the ABA House of Delegates approved *UELMA* during its Midyear Meeting in February 2012.

### What Exactly Does *UELMA* Do?

As set forth on its website, the ULC, a nonprofit unincorporated association, "work[s] for the improvement of state laws by drafting uniform state laws on

subjects where uniformity is desirable and practicable." *UELMA* is a uniform law designed to guide states during this time of transition in which the publication of primary legal materials shifts from print to digital formats. *UELMA* is vendor-neutral, outcomes-based, and designed to allow the necessary flexibility to deal with changing technologies.

*UELMA* requires states to name an agency or individual at the state level as an official publisher, and the named publisher must then ensure that the material is authenticated, accessible, and preserved for permanent public access. If the primary legal material is published exclusively online, which, as noted above, is increasingly common, *UELMA*'s requirements trigger if a state designates the online version as official. At a minimum, *UELMA* encompasses state statutes/codes, session laws, constitutions, and state agency rules with the effect of law, and states may decide to include additional legal resources such as court cases or administrative materials. *UELMA* applies equally to official versions of laws that are currently in effect and such laws that have been superseded or are otherwise out of date.

### Individual State Enactments

The passage of *UELMA* was a remarkable achievement, led largely by the herculean efforts of a select few, but uniform acts have no binding authority standing alone. In order for *UELMA* to have the force of law in a given state jurisdiction, that state's legislature needs to enact it. The ULC established an Enactment Committee to assist in this next phase, which summarizes legislation, puts together talking points, and may work with a particular state legislature when required. However, as with the passage of the uniform act itself, the first three states to enact *UELMA* did so due to significant contributions from a small number of law librarians in those jurisdictions.



Colorado was the first state to enact *UELMA*, in July of 2012, and the key support for its passage came from a single law librarian who was brand new to the state at the time she led the effort. Susan Nevelow Mart, the director of the William A. Wise Law Library at the University of Colorado Law School, took up the torch after the AALL Government Relations Office (GRO) reached out to her about leading the effort.

The first step involved making initial connections, as detailed in a case study on the process that Mart drafted in

December 2012 (available at [www.aallnet.org/Documents/Government-Relations/Colorado.pdf](http://www.aallnet.org/Documents/Government-Relations/Colorado.pdf)). The GRO sent an email introduction on her behalf to President of the Colorado Senate Brandon Shaffer, who was also the Colorado delegate to the ULC. They set up a meeting, which Mart came to armed with relevant materials supplied by the GRO, and, at the end of the meeting, Shaffer agreed to find a sponsor for a bill enacting *UELMA* in Colorado.

Shaffer found a sponsor for the bill and put Mart in contact with the sponsor (Senator Morgan Carroll). When Mart inquired as to how she could be of the most help, Carroll told her it would be in educating other members of Colorado's Senate Judiciary Committee about the necessity of the bill. As a starting point, Mart sent individual email messages to each member, which included a short analysis of *UELMA* and why it was important in Colorado as well as links to relevant documents she received from the GRO. Mart also asked each member of the Senate Judiciary Committee to contact her if they had any questions.

When the committee held a hearing on *UELMA* in March of 2012, Carroll asked Mart to testify on its behalf. Mart was out of town on business at the time of the hearing, but she worked with the GRO to put together a short position paper for the committee's consideration, and Carroll told her that this paper and the other materials she provided from the GRO were key components in convincing the senators to support the bill. Mart remains in contact with the office responsible for implementing *UELMA* so she can help connect them with people working on issues such as technological solutions for authentication and other aspects of the implementation phase.

When asked what her biggest takeaway was from the process, Mart emphasized that "you don't need to be an insider to help get an important law enacted. All you really need is the willingness to get involved and work with people." She also highlighted the invaluable guidance and support the GRO provides to local advocates—be it teams or an individual effort, such as the one she undertook in Colorado.



California was the second state to enact *UELMA*, in September 2012, and the local advocacy team was one of seasoned legislative advocates in the state: Michele Finerty of Pacific McGeorge School of Law, David McFadden of Southwestern Law School, Judy Janes of the University

of California at Davis, and Larry Meyer of the Law Library of San Bernardino County. In addition to past legislative experience, these four individuals belong to AALL chapters and other professional associations across the state of California, so their reach was wide.

The team's first step was to determine the best state official to approach, which is particularly complicated in a state as large as California. As Finerty details in a case study she updated as recently as February 2013 (available at [www.aallnet.org/Documents/Government-Relations/California.pdf](http://www.aallnet.org/Documents/Government-Relations/California.pdf)), the GRO put the team in touch with an official from the ULC who arranged for the delivery of informational packets on *UELMA* to legislative officials in the state and any other interested parties. The team then approached the Legislative Counsel of California, Diane Boyer-Vine, since she had been a member of the ULC's *UELMA* Drafting Committee. Members of the team had a face-to-face meeting with Boyer-Vine to discuss the status of *UELMA* in California and how they could support each other's efforts toward its final passage.

### Learn More About *UELMA*

*UELMA* resources from AALL:  
[www.aallnet.org/Documents/Government-Relations/UELMA](http://www.aallnet.org/Documents/Government-Relations/UELMA)

The GRO's *UELMA* bill tracking chart:  
[www.aallnet.org/Documents/Government-Relations/UELMA/uelmabilltrack2013.pdf](http://www.aallnet.org/Documents/Government-Relations/UELMA/uelmabilltrack2013.pdf)

The efforts of the local advocacy team included meeting with legislative officials about the *UELMA* bill as part of the Council of California County Law Librarians' annual Legislative Day in Sacramento as well as devising a template of a letter supporting the bill's passage that could be sent out to the leadership and members of each legislative committee considering the bill. In addition, the team spoke as part of programs designed to inform members of various associations, posted informational emails, and wrote an online article titled "Why States Should Adopt *UELMA*" for *AALL Spectrum*.

As in Colorado, the GRO stayed in contact with the California local advocacy team throughout the process and proved to be of great value in providing materials and general support. In addition, the team kept in touch with Boyer-Vine and attended a number of hearings with her in support of *UELMA*.



Minnesota was the third state to enact *UELMA*, in March 2013. Brian Huffman, law library manager of the Dakota County Library, agreed to join the local advocacy team after the GRO reached out to him about it, and Susan Larson, head of public services at the Minnesota State Law Library, volunteered to help as well. The local advocacy team coordinated pleas to local chapter members to call key legislators and send letters of support, and a member of the team drafted an article titled "*UELMA*: Summary, Minnesota Perspective, and Impact" for the February 2013 issue of *The CRIV Sheet*. In 2013, Liz Reppe, the new state law librarian, joined the local advocacy team to help lead the advocacy efforts on behalf of *UELMA* in Minnesota.

In addition, Minnesota is the home state of Michele Timmons, chair of the *UELMA* Drafting Committee, so the local advocacy team stayed in touch with Timmons and worked to coordinate their efforts with the steps she was taking to support the bill. For example, the local advocacy team knew that Timmons and members of her staff from the Office of the Revisor of Statutes planned to appear at and testify during several key committee hearings in support of *UELMA*, so they focused their advocacy efforts on other areas of need.

Finally, it is important to note that it took two legislative sessions for *UELMA* to pass in Minnesota. In 2012, the *UELMA* bill passed the House Civil Law Committee, but it stalled in the Senate Judiciary and Public Safety Committee because the local legislators were consumed by the issue of funding for a new stadium for the Minnesota Vikings professional football team. In 2013, the *UELMA* bill was reintroduced and passed with nearly unanimous support: 124-0 in the House and 64-1 in the Senate.

### Going Forward— Local Advocacy Networks

In all of these stories, a few common refrains emerge: (1) local advocacy networks are critical to successful enactment of *UELMA* at the state level, (2) individuals or small numbers of advocates can and do have a tremendous impact in this effort, and (3) no advocate is alone in this process due to the significant level of support the GRO provides to members of local advocacy networks.

As noted previously, Tip O'Neill famously coined the phrase "All politics is local." In order to have a meaningful impact on a legislator's decision making,

an advocate must be a constituent. Legislators and their staff members listen to their own electorate because the legislator was elected to represent them. As knowledgeable as the GRO staff is about *UELMA*, legislators do not respond to lobbying from national entities in the same way that they do to personalized communications and other advocacy efforts from their own constituents. As such, without a local advocacy network, the path to enactment of *UELMA* in a given state will be exponentially more difficult.

In addition, these enactment stories show that a very small number of informed and enthusiastic advocates can have a significant impact on whether or not *UELMA* becomes law. Even if you do not have much (or any) experience in advocacy, the GRO will help inform, instruct, and support you in this process. (For a series of tips on effective advocacy, you can also read "Effective Advocacy: Making Yourself Heard," published in the November 2011 issue of *AALL Spectrum*.)

This leads to the next key point from these enactment stories, which is that **advocates are never alone in this process**. This is true even in states where there is a local advocacy network of one, such as Colorado. The GRO provides a tremendous amount of assistance to the members of local advocacy networks, including a series of written materials advocates can use to inform interested parties at the state level (and themselves!) about the importance of *UELMA*. The GRO staff, Director Emily Feltren and Public Policy Associate Elizabeth Holland, will also help you gather additional information, brainstorm effective advocacy strategies, make contacts, personalize materials for your state, and/or answer any questions you have about the *UELMA* effort or effective advocacy in general.

Finally, keep in mind that some advocacy is always better than no advocacy. If you are interested in supporting *UELMA* but do not have the time or ability to meet with your legislators or attend legislative hearings, you should still join the local advocacy network or otherwise volunteer to assist in the effort. For example, there is a great deal that can be done by email in terms of helping inform key legislators or otherwise drafting letters and submitting materials in support of *UELMA*. Also, do not hesitate to contribute to the advocacy effort even if it has been ongoing in your state for some time. New volunteers are always welcome!

To get involved or join a local advocacy network, please contact Feltren at [efeltren@aall.org](mailto:efeltren@aall.org) or Holland at [eholland@aall.org](mailto:eholland@aall.org). ■

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