

AUTHENTIC LEGAL INFORMATION IN THE DIGITAL AGE: Is Online Legal Information Trustworthy?

LLAGNY - AALL ELIAC - AALL Washington Affairs Office Program Presentation on November 6, 2008.

Opening remarks of moderator David Badertscher

Thank you Debbie Melnick for all the fine work you and the LLAGNY Education Committee have done to arrange this program. It could not have been organized successfully without your efforts. Thanks also to the LLAGNY Board, for their support and Dan Jordan and others at the New York County Lawyers for hosting this program. Thanks also to all of you in the audience for taking the time from your busy schedules to attend this program.

ELECTRONIC LEGAL INFORMATION ACCESS AND CITATION COMMITTEE OF AALL

My role today in addition to moderating this program is to represent the AALL Electronic Legal Information Access and Citation Committee (ELIAC). This is an AALL policy committee whose purpose “is to serve to advance the law library profession’s principles concerning public information provided on government websites and to promote uniformity in citation reform”

There are two areas where the Committee’s charge relates directly to this program. (1) The Committee is charged with monitoring and promoting judicial, legislative, and executive branch web sites at all levels of government to apply best practices in the creation and maintenance of electronic legal information; and (2) the Committee is “responsible” for advising the AALL and its membership about issues relating to electronic legal information access and citation. As part of this objective, the ELIAC Committee is working with the AALL Washington Office and others as appropriate to help sponsor and participate in programs such as this one throughout the United State.

The Electronic Legal Information Access and Citation Committee is a new committee which was formed this year. It merges two previous committees, the Access to Electronic Legal Information Committee (AELIC) and the Citations Formats Committee into the new ELIAC Committee. The former AELIC Committee was responsible, along with the AALL Washington Office for the preparation and publication of the *State-By-State Report on Authentication of Online Legal Resources* along with the Surveys associated with it that we will be discussing this morning. The ELIAC Committee also has a group of sub committees working on projects related to the various components of its overall mission. One of those projects relates to the preparation and publication of a white paper discussing the history, present status and recommended future initiatives for achieving citation reform. You will be hearing more about this later.

SOME BACKGROUND

While the question—how trustworthy are state-level primary legal resources? Is not new and has been addressed many times previously by AALL, the world is now changing and we need address

those changes as they relate to law libraries and legal information .Since at least the late 1990's there has been an increase in legal resources (including primary legal resources) being published (sometimes exclusively) on the web. In order to address this significant change it has been necessary to change the emphasis of the question posed earlier to, how trustworthy are state-level primary legal resources **on the web**?

The American Association of Law Libraries, realizing the significance of this development, asked the AELIC Committee along with others in AALL to look into the matter, especially as it relates to access, trust, and authentication of legal information resources as published on the web. First came the *State-By-State Report on Permanent Public Access To Electronic Government Information*, published in 2003 and then the *State-By-State Report on Authentication of Online Legal Resources* published in March 2007 which the panel will be discussing today.

The findings and recommendations outlined in the Report and the Surveys associated with it are very significant for all of us and we need to know how best to try to implement them in the State of New York.. To guide us through a discussion of the findings and recommendations of the “Authentication Report” we are fortunate to have a panel of consisting of one of the principal authors of the Authentication Report, the author of the New York portion of the Survey and Report and two individuals from New York State government agencies and departments with concerns related to this topic. Our speakers today are Mary Alice Baish, Acting Washington Affairs Representative of the American Association of Law Libraries; Anita Postyn, Law Librarian at the New York Civil Court, New York NY; Gary D Spivey, New York State Reporter; and James W. Leary, Attorney, New York State Department of State, Office of General Counsel.