# Southeastern Chapter of the American Association of Law Libraries' Southeastern Law Librarian

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# **Presidential Ponderings**

## ... from Caroline Osborne



#### **SEAALL President**

Caroline L. Osborne

Law Library Director

Washington and Lee University School of Law 540-458-8545 <u>osbornecl@wlu.edu</u> What do the conversations surrounding AALL's proposed name change, my fascination with museums, and New Year's resolutions have in common? At the outset, nothing - but there is a thread here - so bear with me. With all the discussion surrounding the proposed name change for AALL and the inclusion of "library," or not, I've struggled with the concept of information. What is it, who are the information facilitators and protectors, and what is our responsibility as librarians or information professionals to facilitate access to and consumption of information?

I have always loved museums. I guess there is something of a voyeur in me who enjoys looking into another's life, be it as represented in art, furniture, or the history of the time. Insight and new understandings are there just beyond my comprehension, if only I can just wrap my mind around them. In December, I was fortunate to visit Pearl Harbor. One of the exhibits was that of the forward radar operator who detected the large incoming attack force and dutifully relayed it to his superiors, who then incorrectly interpreted and dismissed the information. Consider if the information had been authenticated, how different the morning of December 7, 1941 might have been.

With the beginning of the new year, I invite you to consider the concept of information. It seems to me information is more than simply books and data, and libraries are more than simply a collection of books, but repositories and a place for learning and understanding. Information is ever evolving and never static. It has that elusive quality that might let it slip through your grasp if you lack the qualitative and quantitative skills necessary to discern its significance to your query. A critical eye, judgment, and the ability required to provide the information gatherer the insight to access what is found, are today's currency of the realm. I invite you to reflect not on the diminished importance of libraries, or information repositories, but rather on our enhanced value in the tsunami of information available.

Happy New Year -



# **Editors' Bit**

## My SEAALL Student Scholarship Contribution, Three Years Later



#### SEAALL Newsletter Co-Editor

Avery Le

**Reference** Librarian

University of Florida Lawton Chiles Legal Information Center 352-273-0712 averyle@law.ufl.edu It occurred to me recently that I never actually got around to submitting an article for the newsletter after receiving the Student Scholarship Award in 2012. Oops. That was back in the day, before I was an actual full-grown librarian, so you'll be happy to know that your SEAALL scholarship investment in me paid off. I didn't want my fellow SEAALL members to think I ran off with the scholarship with no intention to fulfill my end of the bargain, so here I am. I plan to use this coveted Editor's Bit space in lieu of the article I never submitted. We'll call it a five-part series article, four years in the making. Don't worry - my talented co-editor, Billie Blaine, will spare you from my rantings every other issue, so be sure to thank her for that.

Just like Caroline, I, too, visited a museum over the holidays. I had a chance to see the M.C. Escher exhibit hosted at the Salvador Dali Museum in St. Petersburg, Florida, and the timeless <u>Metamorphosis III</u> was tenfold more captivating in person than it is in print. When I think about the debate over the possible AALL name change, I think about how AALL can be likened to a work of art, with a different brush stroke added by each of its members.

Like Escher's *Metamorphosis* series, AALL has transformed through time and the anticipation of what it will become next will keep us guessing. Libraries have morphed from musty card catalogs and print to digital books, databases, technological advances, and the like, to the point that we are not sure whether the term "library" still fits. Along with that, our roles in the profession have also morphed, sparking the idea of giving this work of art a new name to reflect these imminent changes and multifaceted identities in the organization.

But is it really about the name? Regardless of what the name of the organization is, the face of librarianship will continue to morph over the decades. All we can do to enjoy the metamorphosis is to stay nimble and embrace any stage of it that we are lucky enough to experience – in AALL, in librarianship, in legal

development, in technology – in life. The key is to be in the moment and reflect upon what delivering information access truly means. To do that, we must step back and pause, open our eyes and our hearts, and let the senses overtake us, just as we would when viewing an art exhibit.

It is in that moment that we'll realize that it was never about a name in the first place, but rather the true meaning behind the work of art. For AALL, it is the dedication to service and education, the recognition of excellence, the lasting friendships, and the people who make the organization what it is today. Those are the constant elements in this metamorphosis. No matter what name we rally under from this point forward, these elements will continue to illuminate the beauty and the passion behind this masterpiece.

# **Library Profiles**

## A Look inside Librarianship with Michelle Wu

Librarian. Director. Leader. Michelle Wu is no stranger to hard work. Prior to joining Georgetown Law in 2010 as library director, she served as associate dean for information services, law library director, and professor of law at Hofstra University School of Law. In addition, she has worked at the George Washington University Law School and the University of Houston Law Center. Michelle considers herself "extraordinarily fortunate" in the diversity of the positions she has held. "Anyone offered these same opportunities should jump at them," shared Michelle. Such experiences have allowed her to view issues from multiple angles and to think creatively, on a library, law school, and university level.

It is no secret that Michelle is a leader in our field. But who has influenced Michelle's career the most? The answer was an easy one for Michelle: "I can definitely say that the greatest influence was my first library director, post-library school, Scott Pagel." Scott provided the insight, which only experience can cultivate, to Michelle when she was fresh out of library school. "I had self-discipline, intense curiosity and a possible overabundance of frankness and eagerness to change the world," reflected Michelle. "What I didn't have was experience and the sense of perspective that comes with development support to explore new paths and skills."

Scott fostered Michelle's growth by assigning her projects and responsibilities that exposed her to the issues at hand more fully, all the while allowing her to work at her own pace while offering her advice and assistance along the way. Michelle credits this support, especially of creativity, as the reason she has worked in libraries for so long. "I'll never be as good a librarian as he, but seeing a library through his eyes, and training at George Washington under his leadership has definitely made me a better librarian," praised Michelle.



#### Katie Crandall

Assistant Director for Outreach

Florida State University Law Research Center 850-644-2375 kcrandall@law.fsu.edu When asked what her three wishes for libraries are, while keeping her librarian expertise in mind, Michelle stated, "collaborative collection building, access, and preservation," as her first wish. "I believe that scholarship would be more robust if all scholars were able to access all materials on a topic, regardless of the wealth of his/her university." To Michelle, although libraries might not be able to build a comprehensive collection on their own, together they could build a collection very near to it. Though this goal is challenging, Michelle believes it is not insurmountable and it is one for which she hopes.

Her second wish was "customizable, federated searching across all library systems through public and private partnerships, where libraries provide the data but private entities provide the sophisticated search engines." Her third wish was that "library users and administrators fully understand the value, short-term and long-term, that a library brings to students, scholars, and society." Michelle thinks that one of a library's greatest strengths is the desire to make resources easier for users to find and access. However, this strength comes with a weakness. For every time we succeed in this endeavor, we make ourselves more invisible to our users. Michelle fears the patron's phrase "...but everything online is free," as it is both inaccurate and contrary to what librarians teach. "This inaccurate belief will result in the continued underfunding of libraries and the loss of resources -- resources that might not be valued until after they disappear and cannot be resurrected," posited Michelle.



Michelle Wu Law Library Director Georgetown Law

Looking at her current position, Michelle points to the word "variety." "Librarianship, especially in this age of change, holds within it unlimited possibilities and as much innovation as one can imagine," explains Michelle. As Michelle wisely points out, librarianship will never leave someone bored. However, Michelle still finds pleasure in the tried-and-true aspects of our profession. "As much as I appreciate variety, I have to admit that the greatest joy I find on the job is still on those occasions when I feel that I've made a real difference in someone's life." Whether she is helping departments, administrators, faculty, students, or staff, Michelle remains a librarian at heart and finds the most joy in successfully assisting patrons.

## **Meet & Three**



**Tracie Krumbine** 

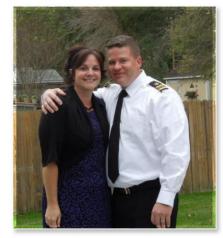
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#### Meet...

Hi!

I am the new Library User Experience and Technology Librarian at Charlotte School of Law. So, you might be wondering what exactly does a Library User Experience and Technology Librarian do. In short, I wear lots and lots of hats. I supervise and hire student workers for the Library User Experience desk; oversee other circulation activity at the LUX desk including course reserves; create technology training content and conduct instruction workshops on that content. And to keep my street credit as a reference librarian, I also work at the LUX desk along with the other reference librarians. Every day is busy and never the same. It's exciting.



Tracie and her husband, Jay, after his last deployment.

Although I was born in Maryland, (Go TERPS), I have lived in many places before moving to Charlotte last year. I married a Navy man who swept me off to Rhode Island, California, and Virginia. After 22 years of being in a constant state of change, he retired last year and we settled in Charlotte. Trying to have a career while being married to someone in the military was challenging but not unattainable.

I came into librarianship quite by accident. While completing courses in paralegal studies, I fell in love with legal research and decided that I wanted to be a law librarian instead of a paralegal. To this day, I still geek out when I have an opportunity to do legal research. After completing my paralegal degree, I went straight into library school and graduated with my Master's in Library Science from the University of Maryland.

My career has evolved in ways I couldn't have anticipated, but I've gained so much from my wide-ranging experiences. I've worked in and around the legal industry over 20 years, starting out as a legal secretary, and then a paralegal, law firm librarian, academic law librarian, and trainer for a legal vendor. About the only thing I haven't done in the legal field is practice law.

#### ...and Three

Being a military spouse has been an adventure and is a lot like being on a roller coaster. And while I hate roller coasters, I've learned some important life lessons along the way that have also helped me professionally over the years.

- 1. Flexibility. The first thing you learn as a military spouse is that things will change ALL the time. You have these great intentions and try to make plans to do things but the military quickly deprives you of that delusion, particularly if your spouse is attached to a ship. The ship's schedule can change at a moment's notice and, before you know it, those weekend plans you made are now a dream. You realize that it's just easier to be Gumby and bend than to get frustrated and break, because it's completely out of your control. I've adopted this mentality in my work life and this helps when organizations go through changes.
- 2. Independence. When your spouse is gone for months at a time, you learn to handle a lot of different things, some of which you might not have had to worry about before. A lightbulb goes off in your head that you are now in charge of everything, from the house, to the dogs, to the yard, vehicles, etc. I didn't start out in our marriage as the most independent person but that first sevenmonth deployment he went on after we were married transformed me as a person. In my work life, this independence has helped as I've taken on more responsibility over the years in different positions. It's a lot easier to say now, "I've got this!"
- 3. Patience. As a military spouse, patience is as necessary as breathing, because you have no control over a lot of things that happen, such as when your spouse is coming home. There were many times that my husband was underway on a ship for a period of time and his return date would change or be delayed. Although my inner self wanted to jump up and down and vell, that wasn't going to solve anything or make it better. And so I had to dig deep for some patience. This was probably the biggest lesson I learned. Now, don't get me wrong. I'm not the model for patience, but I have made significant progress. In the professional world, I've had to call on this patience to get me through long job search periods, because we haven't always lived in strong job markets for law librarians. It took me over a year to find my current position and if ever there was a time when I needed to have some patience, this last year was it.

## **Closed Stacks: Satellite Library Locations**



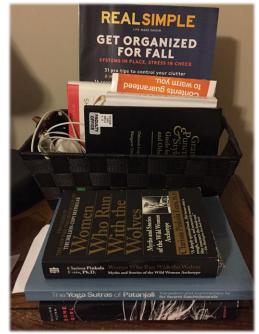
Liz McCurry Johnson

Reference Librarian Wake Forest University Professional Center Library 336-758-5052 johnsonem@wfu.edu While my office is neatly organized into piles of papers for projects and research, projects at home tend not to be quite so perfectly placed. For example, my home library is more of a collection of satellite library locations than a single organized entity.

*Satellite Location #1*: My Night Stand. The books that typically find a home in this temporary purgatory are those that (1) I have either recently read or are currently reading or (2) are the aspirational books that I either return to often, need to think a bit more about, or want to dive into in the future, but don't have the mental capacity to do so at the current time. Having the books here reminds me to read. Otherwise, out of sight, out of mind.

Satellite Location #2: Our Basement's Stacks. The titles that find a lasting home in our residence, find it in this final destination. The selection, though, is often not that logical. The books that have found their humble endings here have done so because (1) I couldn't get the book back to its original owner within the reasonable-to-return time period, (2) They have survived at least three other residential moves, and I find it a fitting end to their travels to live here, or (3) They are just that good that one day I want to read them to my kid, e.g., the Harry Potter books. Why buy them twice?

*Satellite Location #3*: My Book Mobile (a.k.a. My Bag). These books are on the go. They are anything from board books for my toddler to books I need for work or book club. This bag is often the last stop for books in my collection. More often than not, when I finish a book, I give it to someone else. I feel like it is good karma that I am inserting out into the world. I try to find the right owner for these books and hope that the next reader enjoys it as much as I did.





## **Recent Acquisitions**



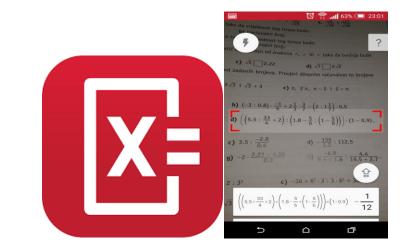
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### These are a few of my favorite things...

## PhotoMath



I distinctly remember my 9<sup>th</sup> grade algebra teacher insisting that the knowledge he was imparting would be crucial in the future. I also remember being decidedly unconvinced. Words flow for me like notes to a musician. Numbers? Not so much. The day that letters made their way onto the pages of my math homework was not a happy one. Confusion and consternation followed.

Of late, the only numbers I've encountered are those preceded by a dollar sign and the consternation and confusion has been caused by seemingly never dwindling law-school loans and an all too rapidly dwindling library budget --UNTIL the day my 9<sup>th</sup> grader plopped his math book down on the table before me and demanded that I help him navigate the unwanted letters intermingling with an impressive array of numbers. Aha! So, THIS is the moment Dr. Philips was alluding to all those years ago ....

A few weeks ago a legal writing colleague, with whom I had oft commiserated and bemoaned the fact that we seemed destined to relive our algebraic ineptitude, pulled me aside at a faculty meeting. "You have to try this app! It will change your world." She texted the next day. "Did you try it?" My actual response: "It is AMAZING. Speechless. Mesmerized. . Let's just give them phones and the app and forget math altogether." Probably not a response Dr. Philips would appreciate or endorse, but if this tale resonates with you, download PhotoMath today!

Available for iOS and Android, PhotoMath by microblink is billed as "the world's smartest camera calculator!" You literally "just point your phone camera to a math expression, and PhotoMath will instantly display the answer with detailed step-by-step explanation." When it comes to math, I'm as dense as bad fruit cake. For me, this app is the best thing since sliced bread.

The same legal writing colleague shared another bit of wisdom that has had a profound impact on my outlook. Although she was referring to the drudgery that fills our days as we chauffeur (literally) our teenagers towards the next phase of their young lives, her words seem particularly relevant as the holiday season approaches and I leave them with you to ponder: "The days are long, but the years are short."

## **Readers' Advisory**



Jason R. Sowards

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Lori E. Shaw & Victoria L. VanZandt, Student Learning **Outcomes and Law School Assessment: A Practical Guide to** Measuring Institutional Effectiveness (2015) ISBN: 978-1-61163-266-8

For all you academics out there who have been decorating the rock you live under with guirky vet cost-conscious furniture from IKEA, the ABA has stated that we must begin formal assessment of the legal education programs we offer, and we need to start doing it now. Luckily, there's now a book for that. In one small volume, Professors Shaw and VanZandt instruct law schools not only how to create an institutional assessment plan (each chapter contains an "Action List") and draft measurable learning outcomes, but they also provide convincing reasons why engaging in assessment is actually in our best interests (beyond just appeasing the ABA).

Each chapter includes sidebars with citations to existing literature on assessment, checklists, flowcharts, and several templates/blueprints. There is also extensive guidance on how to write learning objectives (with a review of Bloom's Taxonomy). The authors are so subtle in practicing what they preach that each chapter begins with a learning outcome and a list of how the reader will demonstrate her achievement of that learning outcome. If you use this book for no other reason than to get a collection of great learning outcome examples, it would still be worth its purchase price.

## Philippa Strum, Speaking Freely: Whitney v. California and American Speech Law (2015)

ISBN: 978-0-7006-2134-7

With its easy-to-read essay style and thorough exposition of free speech in the twentieth century, I give this book high marks. Speaking Freely mixes biography with a keen examination of how free-speech law evolved in the United States and why our laws are among the most permissive in the world. The book opens with a biographical sketch of Charlotte Anita Whitney, whose transition from privileged youth to radical socialist was initiated by her interest in women's suffrage. Through her activism, Whitney became passionate about the large class divide in the U.S, which crossed gender, socioeconomic, and racial lines. She was eventually prosecuted for her seditious speech.



Carolyn Hamilton

Research Services Librarian

Vanderbilt Law School Alyne Queener Massey Law Library 615-343-0208 Carolyn.hamilton@law.v anderbilt.edu Her case made its way up to the U.S. Supreme Court where Justice Brandeis wrote the opinion which opened the door to our modern legal views of free speech in America.

*Speaking Freely* is well-written and easy to read. Philippa Strum's descriptive narrative outlines the particularities not only of Whitney's life but also of the political climate surrounding freedom of speech in the late nineteenth and early twentieth centuries. The book itself is only 155 pages long and includes a list of cases and statutes cited, a chronology, a bibliographical essay of major sources, and an index.

The *Whitney* trial was an elaborate prosecution which made the nation confront the dichotomy between our freedoms and our tolerance. With accusations that included communist leanings, sexual impropriety, and anti-American affiliations, the prosecution of Anita Whitney inflamed partisans on all sides. The open discourse about topics that were previously taboo opened doors to a new way of thinking about the freedoms guaranteed to us by the constitution.

## A Matter of Trust: Why the Time is Right to Adopt the Uniform Electronic Legal Materials Act (UELMA) in the South

In an era where cost cutting has become increasingly important, there already exists an untapped resource related to legal research. More and more resources exist online (some exclusively). It has been a long time since the introduction of the Internet, but it is finally going to prove instrumental in reducing the cost of legal research. Legal research is expensive; some of it doesn't have to be, because several resources are available online for free.

Many lawyers (this one included) can probably still remember the days before computers, when legal research was conducted using only books. With the introduction of LexisNexis and Westlaw, followed by personal computers, lawyers began doing research electronically. Although one could find cases online and print them, courts would often not accept these versions and required photocopies of the cases published in case reporters. Over time, the legal community became accustomed to online research and accepted cases, annotated statutes, and regulations retrieved electronically via Westlaw and LexisNexis.

As often happens, government publications have trailed private industry in innovations. The United States government has led the way, domestically, in publishing legal materials electronically. Take a look at a recent example of an entry from the <u>Federal Register</u> online.<sup>1</sup>



Patricia Morgan

Reference Librarian & Head of Access Services

University of Florida Lawton Chiles Legal Information Center 352-273-0710 morganp@law.ufl.edu Notice the seal in the upper-left-hand corner. That is the verification that the content is authentic and unadulterated.<sup>2</sup>

With the knowledge that electronic publication *can* be done well, the question is, why not do the same for state materials? Electronic research is better in many ways:

- Electronic publishing is faster.
- Electronic publishing is cheaper the government will realize big cost savings.
- Electronic publishing makes the material accessible for everyone.

So, why hasn't the move to electronic materials happened sooner? Much like the conversion of case law research a couple of decades ago, there are inherent trust issues. It is great to find materials online, especially when they are free and easy to access. How do you know, however, if the material is accurate and unaltered?

#### Uniform law, anyone?

Law librarians and attorneys are familiar with the concept of uniform laws; we have the Uniform Commercial Code, the Uniform Child Abduction Prevention Act, and the Uniform Electronic Transactions Act, just to name a few. Once a need becomes known, the Uniform Law Commission "provides states with non-partisan, well-conceived, and well-drafted legislation that brings clarity and stability to critical areas of state statutory law."<sup>3</sup> It is helpful in the legislative process to have a model to follow, and adoption leads to uniformity across state lines. Seeing the need for legislation related to electronic legal materials, the thoughtful folks at the National Conference of Commissioners of Uniform State Laws (NCCUSL) have taken this bull by the horns and created the Uniform Electronic Legal Materials Act (UELMA).<sup>4</sup>

After it was drafted, the UELMA was approved and recommended for enactment in all of the states in 2011. (See cover page of the act.)<sup>5</sup> To date, the act has been adopted in 12 states<sup>6</sup> and is pending in five states – none in the south<sup>7</sup> (<u>http://www.aallnet.org/mm/Advocacy/aallwash/Washington-E-Bulletin/2015/ebulletin0515.html</u>).

I live and work in Florida, where the act has not been introduced in the legislature yet. The issue is ripe, however, for being addressed. As of 2012, the official version of the Florida Administrative Code is now the online version.<sup>8</sup> Other states in the south have also moved to an online format for publication of primary resources. Georgia has made the Georgia Register, which contains the text of adopted rules, executive orders, attorney general opinions and more, an online-only publication.<sup>9</sup> Similarly, Tennessee's administrative code, administrative register, and session laws are all available online as the official publications of those materials.<sup>10</sup> Having an official online resource is not the same as having an authenticated resource, and that is why the UELMA is so important.

#### How did the UELMA come to be and what is it?

The American Association of Law Libraries (AALL), in 2003, created a report entitled "State-by-State Report on Permanent Public Access to Electronic Government Information."<sup>11</sup> In 2007, AALL published another state-by-state report. This report was "Authentication of Online Legal Resources." According to this second report, "A significant number of the state online legal resources are official but none are authenticated or afford ready authentication by standard methods. State online primary resources are therefore not sufficiently trustworthy."<sup>12</sup> After reviewing the results, it became apparent that the tide of legal research was moving to electronic means. It was also apparent that there were an assortment of treatments as to how to ensure that the electronic materials were authentic and unadulterated. AALL held a

National Summit on Authentication of Digital Legal Information in April of 2007 to discuss the findings from the reports.<sup>13</sup> In attendance were a number of individuals from the legal community, including Michelle Timmons.<sup>14</sup> Timmons is the Revisor of Statutes for the State of Minnesota and a commissioner on the Uniform Law Commission (ULC).<sup>15</sup> She recommended the creation of a uniform act to address the proliferation of electronic legal material and the lack of consistent policies on authentication and retention.<sup>16</sup> AALL submitted a formal request to the ULC to consider drafting a uniform law to address electronic legal materials.<sup>17</sup> The ULC recommended the creation of a uniform law, and appointed a drafting committee.<sup>18</sup> At the July 2011 meeting of the ULC, the Committee of the Whole approved the UELMA.<sup>19</sup>

#### What is UELMA and how does it work?

The UELMA was designed to deal with the problems of unauthenticated and unofficial electronic publications:

- Access. If the electronic publication is unofficial, where does one access the official publication? This is a growing problem, as fewer and fewer law libraries are collecting print materials when they are available online. In addition, there are fewer law libraries as well.
- Trust. Without an authentication method, one cannot be sure that he or she is accessing an unadulterated version of the electronic legal material. In the NCCUSL's Prefatory Note, "[a]uthenticity is a much larger concern in the electronic age than in the print age, where legal information typically exists in multiple copies. The content of a print work is 'fixed' once printed, making the text easily verifiable and changes readily detectible."<sup>20</sup> This expands to working with legal materials from other states and with other countries. (European nations have been moving in the same direction to provide open/reliable access.)<sup>21</sup>
- Preservation. How can anyone rely on electronic legal materials when formats change so frequently? Floppy disk, anyone? There needs to be a framework for maintaining access to electronic legal material so that nothing is lost with our desire for immediate access.

The UELMA provides, in part:

- An official publisher who publishes legal material only in electronic format must designate that format as official. If the publisher also publishes in another format, the publisher may designate the other format as official. The designations may be made only if the publisher complies with the other provisions of the UELMA.<sup>22</sup>
- An official publisher of an official electronic record must authenticate the record. This includes providing a method for the user to determine that the record is unadulterated.<sup>23</sup>
- Authentication by an official publisher of legal material in an electronic format leads to a presumption that the legal material is an accurate copy of the legal material.<sup>24</sup>
- An official publisher of legal material in an electronic format must provide for the preservation and security of the record. If the preservation is in an electronic format, it must be backed up and must have continuing usability.<sup>25</sup>
- An official publisher of legal material in an electronic format must ensure that the material is "reasonably available for use by the public on a permanent basis."<sup>26</sup>
- An official publisher of legal material in an electronic format must consider many factors, including standards and practices in other jurisdictions, needs of users, views of interested persons, and methods which are compatible with other official publishers (with an eye toward uniformity).<sup>27</sup>

Those all seem like reasonable goals, given the proliferation of legal materials in electronic format. These conditions would allow more people to have access to accurate legal materials and would lead to harmony across jurisdictional borders due to a more uniform standard.

#### Why the time is right for the UELMA

My home state of Florida (the "Sunshine State") is proud of having government in the sunshine – meaning having open meetings and access for citizens. The public records law (found at Chapter 119, Florida Statutes) was originally passed in 1909.<sup>28</sup> Florida has a longstanding tradition of providing virtually unlimited access to government information. In addition to our state tradition, there is also a federal mandate from the Obama Administration, the "open government initiative."<sup>29</sup> Promising an "unprecedented level of openness in Government," this initiative seeks to strengthen citizen involvement and participation in government. In the south -- where hurricanes and flooding are always a possibility – it is a good idea to have things secure and backed up for the sake of preservation.

#### Access to justice

The American Bar Association has been supporting access-to-justice efforts throughout the country.<sup>30</sup> The goal is for the legal community to work together to remove economic barriers that prevent those of limited means from seeking legal redress to their problems. Clearly, moving toward a consistent, reliable, system for online legal materials and activities would be helpful both for attorneys and for citizens who will be able to rely on the materials they find and have them accepted by the court system. According to the NCCUSL, making official, authenticated, legal materials available online "enables governments to meet their obligations to provide legal information to the public in a timely and cost-effective manner...facilitates transparency and accountability, provides widespread access, and encourages citizen participation in the democratic process."<sup>31</sup>

#### How can the UELMA become law?

One benefit to not being the first state to pursue adoption of the UELMA is that other states can provide examples for how to be successful. The first state to pass the UELMA was Colorado.<sup>32</sup> In an article about the experience,<sup>33</sup> Susan Nevelow Mart shared the following actions which might provide a model for other states:

- Meet and discuss the UELMA with legislators. Note for them the fragile nature of electronic materials, the need for the broadest access to authentic legal materials.;- In addition to meeting with the legislators, send an email to each legislator to educate them on the UELMA.<sup>34</sup>
- For states (like Florida and Colorado) where electronic legal materials are official, there is an immediate need for appropriations upon adoption of the UELMA.<sup>35</sup>

Not long after Colorado adopted the UELMA, California did the same.<sup>36</sup> Actions that were instrumental in passage of the UELMA there were:

- The Uniform Law Commission distributed information to legislators.<sup>37</sup>
- The California contingent found an ally, the legislative counsel in the state, who was a member of the ULC at the time.<sup>38</sup>

- Legislative days are an opportunity for meeting with one's legislators and supporting the introduction of the UELMA.<sup>39</sup>
- Letters of support with endorsements from respected individuals/groups is helpful, as is attending hearings held once the legislation is introduced.<sup>40</sup>

Resistance when it comes to the cost of implementing the UELMA should be expected. Overall, however, it is a cost saving measure compared to the expense of print materials. Expenses would be recouped fairly quickly. Again benefitting from the experience of others, a white paper was created in the state of California.<sup>41</sup> It was authored by the Office of Legislative Counsel, and the paper discusses several different authentication methods that might be adopted pursuant to the UELMA.<sup>42</sup> It also estimates potential costs of each method.<sup>43</sup> Because the paper was authored in 2011, it might need to be updated in terms of costs and technology.

The best model is likely found with the federal government. The Government Publishing Office in Washington, D.C., uses an Adobe program to create documents with their unique authentication seal (see below). The GPO also provides a discussion of their authentication process at their <u>website</u>.<sup>44</sup>



This seal notifies users that a document has been authenticated by GPO. By using digital signature technology to add the Seal to a PDF document, GPO attests that the document has not been altered since it was authenticated and disseminated by GPO.

#### **Conclusion**

Clearly, then, it is time to get serious about authentication and preservation of electronic legal materials. More and more legal materials will be found in electronic format, and those materials will become the official publications of the government. While no southern state has adopted the UELMA to date, the federal government and many states have begun to ensure that their materials are accurate and unadulterated.

All of the tools needed are in place. The UELMA provides a framework to follow and achievable goals, while leaving room for states to implement the act in the way best suited to their citizens. We also have models provided by other states and research on how to follow the UELMA. Finding allies and helping those allies to put forth a workable plan is the next step in ensuring that electronic legal materials are free, accurate, and preserved to support access to justice.

#### References

- <sup>1</sup> http://www.gpo.gov/fdsys/pkg/FR-2015-04-20/pdf/2015-09032.pdf
- <sup>2</sup> Overview of GPO authentication is found here: <u>http://www.gpo.gov/pdfs/authentication/authenticationoverview.pdf</u> <u>3 http://www.uniformlawcommission.com/</u>

<sup>4</sup> UNIF. ELECTRONIC LEGAL MATERIAL ACT, (National Conference of Commissioners of Uniform State Laws 2011), <u>http://www.uniformlaws.org/shared/docs/electronic%20legal%20material/uelma\_final\_2011.pdf</u> <sup>5</sup>Id. <sup>6</sup> 12 states where UELMA adopted: California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Minnesota, Nevada, North Dakota, Oregon, and Pennsylvania. Found at <u>http://www.aallnet.org/Documents/Government-</u><u>Relations/UELMA/UELMAenactments.pdf</u>.

<sup>7</sup> 5 states where pending: Maryland, Massachusetts, New York, Rhode Island, and Texas. Found at: <u>http://www.aallnet.org/Documents/Government-Relations/UELMA/uelmabilltrack2015.pdf</u>.

<sup>8</sup> 2012 Fla. Laws 759. For a history of the conversion to electronic format, see: Jennifer Wondracek, *The E-FAC: One Year Later*, FLA. B. J, Jan. 2015, at 18.

<sup>9</sup> GA. CODE ANN. §50-25-6 (2015).

<sup>10</sup> TENN. CODE ANN. §4-5-220 and §12-6-116 (2015).

<sup>11</sup> <u>http://www.aallnet.org/Archived/Government-Relations/Issue-Briefs-and-Reports/2003/state-report.pdf</u> <sup>12</sup> <u>http://www.aallnet.org/Documents/Government-Relations/authen\_rprt/authenfinalreport.pdf</u>.

<sup>13</sup> <u>http://aallnet.org/Documents/Government-Relations/summit.html</u>.

<sup>14</sup> Rhonda R. Schwartz, *The Uniform Electronic Legal Material Act: "Desirable and Practicable" for North Dakota?*, 87 N.D. L. REV. 325, 330 (2011).

<sup>15</sup> Id.

<sup>16</sup> Catherine Dunne, *Local Advocacy Networks: Adopting UELMA in Your State and How You Can Help*, AALL SPECTRUM, June 2013, at 11.

<sup>17</sup> *Id.* at 12.

<sup>18</sup> *Id.* 

<sup>19</sup> Id.

<sup>20</sup> UNIF. ELECTRONIC LEGAL MATERIAL ACT, Prefatory Note, (National Conference of Commissioners of Uniform State Laws 2011), <u>http://www.uniformlaws.org/shared/docs/electronic%20legal%20material/uelma\_final\_2011.pdf</u>

<sup>21</sup> Claire M. Germain, *Worldwide Access to Foreign Law: International & National Developments Toward Digital Authentication*, (2012), Working Paper 1, accessed at <u>http://scholarship.law.ufl.edu/working/1</u>.

<sup>22</sup> UNIF. ELECTRONIC LEGAL MATERIAL ACT at 9.

<sup>23</sup> *Id.* at 10.

<sup>24</sup> *Id.* at 11-12.

<sup>25</sup> *Id.* at 13.

<sup>26</sup> *Id.* at 15.

<sup>27</sup> *Id.* at 16.

<sup>28</sup> Brechner Center for Freedom of Information (University of Florida, College of Journalism and Communications), FLORIDA GOVERNMENT IN THE SUNSHINE: A CITIZEN'S GUIDE, accessed at <u>http://www.brechner.org/citizen\_guide\_08.pdf.</u>
<sup>29</sup> Exec. Order No. 13,642, 3 C.F.R. § 13642 (2013).

<sup>30</sup><u>http://www.americanbar.org/groups/legal aid indigent defendants/initiatives/resource center for access to justice.h</u> <u>tml</u>.

<sup>31</sup>UNIF. ELECTRONIC LEGAL MATERIAL ACT, Prefatory Note, (National Conference of Commissioners of Uniform State Laws 2011), <u>http://www.uniformlaws.org/shared/docs/electronic%20legal%20material/uelma\_final\_2011.pdf</u>.

<sup>32</sup>http://www.uniformlaws.org/NewsDetail.aspx?title=Colorado%201st%20State%20to%20Enact%20Uniform%20Elect ronic%20Legal%20Material%20Act.

<sup>33</sup> Susan Nevelow Mart, *Notes from an Accidental Advocate for the Uniform Electronic Legal Material Act (UELMA)*, (October 27, 2013), Fairly Used Blog (Stanford University Libraries, Copyright & Fair Use), at:

http://fairuse.stanford.edu/2013/10/27/notes-accidental-advocate-uniform-electronic-legal-material-act-uelma/. <sup>34</sup> *Id*.

<sup>35</sup> Id.

<sup>36</sup>http://www.uniformlaws.org/NewsDetail.aspx?title=California%20Enacts%20Uniform%20Electronic%20Legal%20Ma terial%20Act.

<sup>37</sup> Dunne, *supra* note 14 at 13.

<sup>38</sup> Id.

<sup>39</sup> Id.

<sup>40</sup> *Id.* 

<sup>41</sup><u>http://www.mnhs.org/preserve/records/legislativerecords/docs\_pdfs/CA\_Authentication\_WhitePaper\_Dec2011.pdf</u>. <sup>42</sup> *Id.* 

<sup>43</sup> Id.

<sup>44</sup><u>http://www.gpo.gov/authentication</u>.

## **Remembering Bill Beintema**



Reba Best

Former Associate Director and Professor (Retired)

University of Tennessee Law Library <u>rbest2@utk.edu</u> In Memory of William J. (Bill) Beintema (November 12, 2015, age 71)

If you ever met Bill Beintema, you never forgot him. He was a man who enjoyed life to its fullest through traveling, finding new and exciting restaurants, and meeting new friends. He shared these experiences with his beloved wife, Jane. Bill usually had a mischievous smile on his face because he was going to rib you about something that you did or pick on you until he got you to laugh. Many times when we took a candidate out to dinner, they remarked about how comfortable and at ease the librarians were with Bill, and how this made our library attractive to them.

He became the director of the law library at the University of Tennessee in 1984 after serving as the director of the law library at Oklahoma City for six years; and before that, as the assistant director at the University of Miami Law Library.

During his tenure at the library at UT, a renovation and new addition were undertaken and Bill spent countless hours working with the team (composed of college and university administrators) in planning for the construction and eventual move. We were able to show off the building in 1999 when the law library hosted the SEAALL meeting in Knoxville. Even after Bill retired in 2010, we saw him regularly at functions and he periodically stopped by to chat and catch up with us.

Bill was an extremely proud member of SEAALL and AALL. He received a lifetime membership from SEAALL in appreciation of his contributions to the chapter. Bill attended 45 consecutive annual conventions of AALL, including the one this past summer in Philadelphia.

No words can express how deeply he is missed.



## **SEAALL Scholarship Committee Report**



C.J. Pippins II

Research Librarian

University of Maryland Thurgood Marshall Law Library 410-706-0784 <u>capipinsII@law.umaryla</u> nd.edu Every year, the SEAALL Scholarship Committee awards student scholarships to encourage library-school students to pursue a career in law librarianship. In determining award recipients, the scholarship committee considers factors such as the personal statement, relevant work or internship experience, course work, relevant professional activity, letters of recommendation, and the resume, as evidence of an applicant's genuine interest in the profession of law librarianship.

The committee received several applications from aspiring librarians this year, and after much consideration (and a HungerGames-style battle to the death), we awarded six scholarships. In addition to their awards, scholarship recipients will receive a complimentary one-year membership to SEAALL.

Our 2015 SEAALL Student Scholarship recipients are as follows:

Joanna Averch, University of Alabama, \$1,100.00 Emily J. Flanigan, Catholic University of America, \$500.00 Quykerita Harmon, University of Alabama, \$1,100.00 Janet Kearney, Louisiana State University, \$800.00 Sarah Loor, University of North Carolina at Greensboro, \$1,500.00 Brandon Nichole Wright, Florida State University, \$3,000.00

Award recipients will be required to write an article for the *Southeastern Law Librarian* on a topic they learned about in library school or during an internship, preferably on a topic that relates to law librarianship. The scholarship committee congratulates these deserving award recipients and looks forward to welcoming them as members of SEAALL!

## Need funding for professional development? 'Tis the Season for SEAALL scholarship applications!

SEAALL members are encouraged to apply for one of SEAALL's scholarships or grants to help defray the cost of attending conferences or other professional development opportunities.

For application materials, visit the SEAALL website, <u>http://www.aallnet.org/chapter/seaall/members/scholarships.html</u>. Below are brief descriptions and deadlines for upcoming SEAALL scholarships and grants:

#### Lucile Elliott Scholarship

This grant provides financial aid for any purpose reasonably designed to improve one's career in law librarianship. The amount of the award will vary depending on the proposed activity. Deadline: February 4, 2016

#### **AALL Annual Meeting Registration Grant**

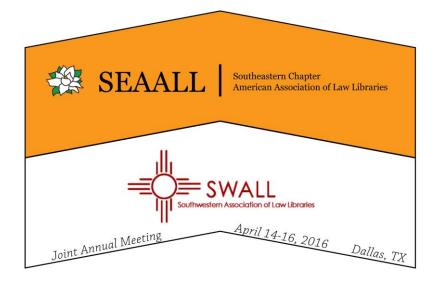
This grant was created to provide funding for a law librarian who lacks financial assistance to attend the AALL annual meeting. The award will equal the cost of a full registration to the AALL annual meeting. Deadline: February 26, 2016

#### **CONELL Grant**

This grant was created to provide funds for CONELL tuition and a one-night stay in a hotel for a law librarian who lacks financial assistance to attend CONELL. Deadline: February 26, 2016

# Get your boots on! SEAALL-SWALL Joint Annual Meeting in Dallas, TX, April 14-16, 2016

Add some cowboy gear to your shopping list because we're taking this pony show on the road to Dallas, TX, as SEAALL and SWALL join efforts to bring you the joint annual meeting, hosted by University of North Texas at Dallas College of Law. Visit the meeting <u>website</u> for more information on registration and housing accommodations for *Big D: Data, Discovery, and Dicta.* Stay tuned for the ins and outs of Dallas in our next issue, as we bring you the best restaurant and sightseeing recommendations for your visit.



#### **Attention!**

## Want to know the secret to success?

Become an author in the Southeastern Law Librarian!

Share your articles, notes, comments, ideas, rejected blog entries, or anything else that will fit into a Word document in the SEAALL Newsletter! Guaranteed to be your first step to conquering the librarianship world or your money back!

Please submit your work or refund requests to <u>averyle@law.ufl.edu</u> or <u>blaineb@flcourts.org</u>.

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# **Submission Guidelines**

The Southeastern Law Librarian (ISSN 0272-7560) is the official publication of the Southeastern Chapter of the American Association of Law Libraries. It is published quarterly and is distributed free to all SEAALL members. Editorial comments or submissions should be sent to:

Billie Blaine Librarian of the Supreme Court Florida Supreme Court blaineb@flcourts.org Avery Le Reference Librarian University of Florida Lawton Chiles Legal Information Center averyle@law.ufl.edu

MS Word is the preferred format for electronic submissions.

Newsletter submission deadlines are: Winter – February 28, 2015 Spring – May 31, 2016 Summer – August 31, 2016 Fall – November 30, 2016

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