



**American Court and Commercial Newspapers, Inc.**

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January 18, 2012

Linda A. Klein  
Chair  
House of Delegates  
American Bar Association  
Baker, Donelson, Bearman, Caldwell and Berkowitz LLC  
3414 Peachtree Road  
Atlanta, GA 30326

Dear Ms. Klein:

I write on behalf of American Court and Commercial Newspapers, an 82-year-old organization of privately owned legal journals. We cover the bar, the courts, the legal profession and commerce in 50 major American cities. In addition to being ACCN president, I am publisher of the Miami Daily Business Review and group publisher overseeing the Daily Report, Fulton County, GA.

I urge the House of Delegates not to endorse the proposed Uniform Electronic Legal Material Act (UELMA). As publishers with expertise in creating official record publications and building websites for legal materials, we believe that UELMA is better offered as a model law that states could use as a guideline as they shape their digital futures. I attach the comments we provided to the drafting committee in February 2011. Our concerns remain largely the same today.

UELMA urges states toward use of a digital platform as the "official publisher" of statutes, case law, administrative regulations and other documents that carry or could carry the force of law. But it does not state clear standards that would assure the American public that a digital platform is sufficiently secure, authentic and archived to trust as a replacement for printed documents. Rather, UELMA is a collection of goals that leaves it to states to establish their own standards, which may or may not result in online or mobile platforms worthy of succeeding the reliable, unchanging hard copy official documents.

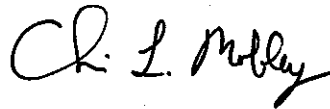
UELMA requires reciprocity among adopting states. High-performing states and poorly funded, less-experienced states would be yoked together in a common presumption of trust. While a user of an official digital record may challenge its authenticity, the burden of doing so would be heavy. UELMA suggests, but does not require, preservation of baseline copies for use in testing authenticity. Whether those baselines will be kept, and where, and what sort of access a challenger may have to the baseline are all questions not answered by UELMA.

UELMA also fails to recognize the considerable burden faced by the millions of Americans who are not yet able to join the digital revolution. Absence of broadband services continues to afflict nearly a third of the nation--the poor, rural dwellers, senior citizens and minorities. The hard copy books available in a library may be the only resource for those individuals.

ACCN promotes development of digital platforms among its newspapers. Because of our long expertise in providing legal services to the public, we are well aware that digital services can be provided cheaply but not well. We fear a future where states leap unawares to abandon reliable systems in favor of new digital platforms that will prove to require much more money, time and thought than they originally thought. The loss of our legal history, citizen trust in the laws and opportunities for fair access are all at stake.

The drafters of UELMA have made an important contribution to a critical debate. However, while they have identified the correct goals for digital legal platforms, they have not articulated standards. UELMA is not ready to become a uniform law of the land across our 50 states. Respectfully, we request that the House of Delegates decline to send it to legislatures with the ABA's approval.

Sincerely,



Chris Mobley  
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Cc: William T. Robinson III, President  
Palmer Gene Vance, Chair, Committee on Rules and Calendar  
Cara Lee Neville, Secretary