

2010

# Legal Research in the Digital Age: Authentication and Preservation of Primary Material

Matt Novak

*University of Nebraska at Lincoln*, [mnovak3@unl.edu](mailto:mnovak3@unl.edu)

Follow this and additional works at: <http://digitalcommons.unl.edu/lawlibrary>



Part of the [Legal Writing and Research Commons](#), and the [Library and Information Science Commons](#)

---

Novak, Matt, "Legal Research in the Digital Age: Authentication and Preservation of Primary Material" (2010). *The Marvin and Virginia Schmid Law Library*. 4.

<http://digitalcommons.unl.edu/lawlibrary/4>

This Article is brought to you for free and open access by the Law, College of at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in The Marvin and Virginia Schmid Law Library by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

# Legal Research in the Digital Age: Authentication and Preservation of Primary Material

by *Matthew S. Novak*

Most legal professionals have used free online resources to help in the legal research process. Whether it is an opinion downloaded from a court's Web site, a federal statute located using Cornell's Legal Information Institute (LII),<sup>1</sup> an article on Wikipedia,<sup>2</sup> or a post on someone's blog, the quantity and variety of free online resources seems to grow on a daily basis. Some have even wondered if these resources can one day replace the need to subscribe to a computer-assisted legal research (CALR) service such as Westlaw or LexisNexis. Late last year, the "blogosphere" was abuzz with this question<sup>3</sup> after Google added legal journals and opinions to its Google Scholar search tool.<sup>4</sup> Although members of the legal community already use the Web as a complement to fee-based CALR services, the role free Web resources play in the research process will likely expand. This article will examine the appropriate

short-term and long-term roles free Web resources should play in the legal research process. Particular attention will be focused on the authentication and preservation of online primary legal material.

With so much legal information available for free on the Web today, is it still necessary to pay to access the law? Can free Web resources really replace the need to subscribe to a CALR service? Seasoned research veterans correctly point out that in-depth legal research requires more than just access to an ocean of material and casting of a wide keyword-search net to catch the precise information a researcher needs. The major CALR services are highly developed and sophisticated tools that include a host of features such as key-numbers, annotations, and citators that vastly improve the speed and effectiveness of legal research. These "value-added" features are what often justify the costs incurred in CALR use. The legal community has become heavily dependent on these CALR services to conduct efficient research, and lawyers may even be ethically obligated to use them<sup>5</sup> to ensure complete and accurate research.

In addition to the obvious "value-added" features, fee-based services also include a number of other important elements that enhance the efficiency of the research process. Most CALR tools include highly structured interfaces. The organization of resources into various categories such as subject, jurisdiction, and material type helps researchers hone in on the exact material they need. CALR tools also include a more subtle structure by suggesting other resources that are related to a given search result. Although Web sites such as FindLaw and Cornell's LII have been attempting to organize legal resources on the Web, it is difficult to imagine how the disparate array of potentially relevant resources scattered around the Web could be brought

## Matthew S. Novak

**Matthew S. Novak** is an assistant professor and reference librarian at the Marvin and Virginia Schmid Law Library of the University of Nebraska-Lincoln College of Law. Prior to joining the Schmid Law Library, he was an Assistant Public Defender with the Missouri Public Defender System. In addition to his reference duties, Professor Novak co-teaches the legal research component of the First Year Legal Research and Writing Course. He has lectured on legal research and legal information technology issues. Professor Novak received his B.A. from the University of Nebraska-Lincoln, his J.D. from the University of Nebraska-Lincoln College of Law, and his M.A. in Library Science from the University of Missouri-Columbia. He is a member of the Nebraska, Missouri and American Bar Associations, the American Association of Law Libraries, and the Mid-America Association of Law Libraries.

## PRACTICE TIP

together with the same level of organization offered by the fee-based services.

Reliability and security are two other important aspects of the major CALR services. Legal professionals require information that is both accurate and accessible when needed. To meet this market demand, fee-based companies must ensure that the information they provide through their CALR services is accurate and perpetually available, provided one continues to pay the subscription fee, of course. Lawyers would not use these services, if they were concerned with the accuracy and availability of the information. In contrast, the reliability and security of much of the free information found on the Web is suspect at best.<sup>6</sup> For example, the prevalence of use disclaimers on government Web sites calls into question the reliability of the information available from these sites. Further, while content originators (courts, legislatures, agencies, etc.) may initially intend to permanently preserve their digitally published content, if times get tough and budgets shrink, the decision to stop preserving a given online title may occur.

Finally, the major CALR services provide a depth and breadth of coverage that is unmatched on the free Web. Depending on the subscription, one has access to all state and federal statutes and cases, treatises, legal encyclopedias, form books, journals, and other high quality secondary resources. The Web does include an extensive array of free primary legal material, but complete coverage for any specific title (session laws, reporter, administrative register, etc.) is unavailable for almost all jurisdictions. Although a few quality secondary resources such as blawgs and a scattering of open-access scholarly legal journals are available on the Web, researchers will not find a comparable range of analytical and practical tools on the free Web that legal publishers provide through their CALR services.

The host of important value-added features and depth of coverage provided by the major CALR services is unequalled by the free Web. Therefore, the Web cannot currently replace them as a stand-alone research tool and its current role as a supplement to these services is appropriate. Despite its many drawbacks and limitations, however, a number of factors indicate that use of the Web, as a legal research tool will continue to expand. The Web is already a deeply ingrained part of most peoples' lives, and the apparent ease with which researchers find answers to their questions using Google and other free search tools continues to draw users. People rely on the Web to answer all types of questions from medical concerns to automobile repair. Reliance on Web based information occurs even when it is not the best resource for the job. "Studies have shown that today's students turn first to the Internet and that many library patrons are willing to settle for less, favoring convenience over comprehensiveness."<sup>7</sup> As "digital natives"<sup>8</sup> join the legal profession they will expect the answers to their legal questions will also be quickly, easily, and freely found online.

Westlaw and LexisNexis are even redesigning their CALR platform to more closely simulate the ease of searching online with free tools such as Google.<sup>9</sup>

The amount of information that is born digital and published exclusively on the Web will continue to become a greater part of the information landscape. The shift to digital publishing and online distribution is motivated by a number of factors including economic and technological considerations as well as consumer demands. The upfront costs to publish an item online are far less than the cost to publish an item in print format. Also, publishing information online is relatively quick and easy compared to the print publishing process. This increasing use of digital publication will be especially true for government information. The U.S. federal government, for example, has a number of specific mandates directing its use of digital publication.<sup>10</sup> The reliance on digital publication is not limited to the federal government. As described in the *State-by-State Report on Authentication of Online Legal Resources (Authentication Report)*, a number of states have already ceased publishing certain official legal publications in print and instead use digital publication and online distribution.<sup>11</sup> Online publishing also helps governments meet their obligation to provide the public with timely and convenient access to government information in a cost efficient manner.<sup>12</sup> In addition, even though governments have already firmly embraced digital publication, a variety of open government initiatives are demanding even greater online availability to governmental information.<sup>13</sup>

Finally, the recent downturn in the economy will encourage a greater reliance on free online legal resources. Now, more than ever, legal professionals are looking for ways to cut the costs of doing business. The cost to purchase traditional print resources or subscribe to a major CALR service have increased significantly in recent years. Furthermore, clients are more aggressively seeking to reduce their attorney fees. One way some clients have sought to cut their bills is by refusing to pay for fees associated with the use of fee-based CALR tools.<sup>14</sup> Increasing resource costs, and an inability to pass the costs of using CALR tools to the client, will encourage attorneys to seek alternate means of performing research. While some are relying on low cost CALR tools such as Fastcase and Casemaker to reduce the cost of legal research, an increased reliance on free online information will be an important part of the cost savings solution.

The benefits and advantages of using the Web will motivate legal professionals to make even greater use of it in the legal research process. However, before the Web can rightfully be considered a viable alternative to the major CALR services, a number of its limitations must be improved. Incomplete coverage of primary resources, insufficient secondary resources, lack of organization, and inadequate search tools all must be addressed. However, as a crucial first step, the reliability of primary legal materials that are published on the Web must be

## PRACTICE TIP

ensured. As previously discussed, legal professionals require reliable resources of information. If the reliability of online primary legal material cannot be ascertained, researchers will be forced to verify the information by consulting additional resources, thus defeating the purpose of posting the information online in the first place. Furthermore, as digital publication becomes the exclusive means of publishing primary legal material, there will not be another resource to use for verification. If the underlying information is not reliable, the usefulness of any other improvements to Web based research will be diminished.

Whether a given resource is reliable is difficult to determine without an operational definition. As highlighted in the *Authentication Report*, to be reliable, free online primary legal material must be "authentic" and must be preserved such that permanent public access to the information is guaranteed.<sup>15</sup> As one of the chief consumers of primary legal information, the legal profession must actively influence the manner in which the online versions of these resources develop, to ensure their reliability.

Authenticity is an especially important concept in law and has evidentiary implications;<sup>16</sup> however, more generally, authenticity indicates that a particular item is "entitled to acceptance or belief, as being in accordance with fact, or as stating fact; reliable, trustworthy, of established credit."<sup>17</sup> How the authenticity of a specific item is defined and determined varies based on the nature of the item in question. A print item, for example, includes a physical artifact that can be examined for signs of alterations. Furthermore, for official government publications "... the paper publication's multiple copies and wide distribution, ensures that the print official resource . . . is an authentic resource."<sup>18</sup>

Determining the authenticity of digital resources can be especially tricky. One of the big advantages of digital publication, especially on the Web, is the ease with which the information can be created, published, and modified. Unfortunately, the highly flexible nature of digital material also means that it is "inherently capable of being corrupted or tampered with at the level of the individual copy."<sup>19</sup> While it is easy to create multiple copies of digital information and distribute them widely, at any point in the process alterations, whether accidental or intentional, can be introduced. Often, what results is multiple versions of the same document, with no way to determine which is the authoritative version. Further, such alterations are generally undetectable to sensory perception and "because digital objects bear less evidence of authorship, provenance, originality, and other commonly accepted attributes than do analog objects, the former are subject to additional suspicion."<sup>20</sup>

Thus, the dynamic nature of digital material and the lack of a physical entity make it difficult to discern if the content one is reading is the content the author published.

The concern with the authentication of digital objects has been extensively studied and various means of defining and identifying them have been proposed.<sup>21</sup> In terms of online primary legal material:

An *authentic* text is one whose content has been verified by a government entity to be complete and unaltered when compared to the version approved or published by the content originator. . . . An authentic text is able to be authenticated, which means that the particular text in question can be validated, ensuring that it is what it claims to be.<sup>22</sup>

Therefore, to be authentic, a digital resource must be verified as complete and unaltered and also include means for the end user to verify the ongoing integrity of the document. Ensuring the authenticity of online information requires the implementation of a number of best practices, which includes technologies and practices such as digital signatures, digital time-stamping, and digital watermarks that "provide the researcher with a means of verifying that the digital representation received matches the digital representation sent."<sup>23</sup> One entity using such processes is the U.S. Government Printing Office (GPO). The GPO uses encryption-based techniques including digital signatures and Public Key Infrastructure<sup>24</sup> to provide the public with authenticated resources through its GPOAccess<sup>25</sup> and FDSYS Web sites.<sup>26</sup> Currently, the GPO is authenticating three classes of documents: the Budget of the U.S. Government, Congressional Bills, and Public and Private laws.<sup>27</sup> Unfortunately, few other government entities are taking the steps necessary to authenticate their online primary law offerings.<sup>28</sup>

Authentication of online information is especially important for primary source material, such as court opinions, statutes, and executive documents, as these materials form the base of the legal system. And, if online publication replaces the print resource as the official source for a given title, the issue of authenticity is that much more important, as "[t]he disappearance of print official legal sources without an authentic online substitute critically erodes the bedrock of trustworthy statements of the law."<sup>29</sup>

While authentication ensures that digital resources are presently reliable, the ongoing reliability of these materials requires that they be preserved in some manner. Preservation is more than simply storing data. "The goal of preservation is to maintain an information asset so that it is readily accessible for use, no matter what format it was originally in, and ensuring that it is authentic and reliable by preventing such things as tampering, accidental corruption of files, media degradation, and losses through software and hardware obsolescence."<sup>30</sup> Achieving this goal requires overcoming a number of technological difficulties and addressing various policy considerations.



## PRACTICE TIP

The preservation of physical resources is a well-understood concept. Paper can last for hundreds of years and widespread distribution eliminates concern over the destruction of any one copy of a work. By contrast, successful preservation of digital resources is a relatively sophisticated and expensive technological process that, like authentication, utilizes an evolving set of best practices to address the unique problems associated with preserving digital resources. Digital media are not as robust as paper and must be "refreshed" and/or replaced on a frequent basis. Furthermore, as technology continues to develop, data that was initially created in one format or accessed using a particular program must be migrated to new formats if it is to remain viable and accessible. The fragility of digital media and the rapidity of technological obsolescence are just two of the technological problems that must be addressed. Further problems include: dealing with multiple digital formats and hardware platforms, addressing security issues, implementing authentication standards, and the need to incorporate metadata. These all add complexity to the preservation process. While paper-based resources often are best preserved by leaving them alone in an appropriate location, the preservation of digital resources is an ongoing and constant process.

The preservation of digital information also requires making a number of difficult policy decisions. What information should be preserved? Who should pay for ongoing preservation? Who is responsible for ensuring long-term preservation?

What specific preservation technologies should be utilized? The roles, responsibilities, costs, and procedures related to preserving print resources are clearly established. Once the content originator has published and distributed the resource, the costs and process of preserving the resources generally fall on other entities such as libraries, archives, and historical societies. In Nebraska, for example, a number of state publications including statutes and reporters are distributed to a variety of libraries.<sup>31</sup> Additionally, the Nebraska publications depository system, a component of the Nebraska Library Commission's Publications Clearinghouse, is specifically charged with collecting, preserving, and providing access to a wide variety of government documents.<sup>32</sup> Given the technological difficulties and expense involved in preserving digital resources, traditional roles and responsibilities need to be reconsidered. Successful preservation often depends on decisions made at the time of creation such as the format used. As such, information producers need to be involved in the preservation process. Also, it is unlikely that traditional preservation entities will have the resources or expertise necessary to properly ensure the long-term preservation of these materials, so successful long-term preservation will require a team effort by a variety of parties including authors, publishers, and other institutions traditionally tasked with preservation.

A number of large-scale preservation organizations have been developed in response to the need to preserve digital

# Representing Investors in Cases Against Stock Brokers, Broker- Dealers, Insurance Agents, & Other Financial Professionals

J.L. Spray  
Mattson Ricketts  
134 South 13<sup>th</sup> Street,  
Suite 1200  
Lincoln, NE 68508  
P: 402.475.8433

Dave Gaba  
Compass Law Group PLLC  
1001 Fourth Avenue,  
Suite 3200  
Seattle, WA 98154  
P: 206.251.5488

[www.compasslaw.net](http://www.compasslaw.net)

## PRACTICE TIP

information. These organizations generally are a collaboration of other smaller institutions and parties who share the costs and responsibilities of long-term preservation. For example, the Chesapeake Project is a collaborative digital preservation project formed by several members of the Legal Information Preservation Alliance (LIPA) that includes the Georgetown Law Library and the State Law Libraries of Maryland and Virginia.<sup>33</sup> These institutions share the cost of creating and maintaining a highly sophisticated preservation system. However, since the authoring bodies are not involved, there is no guarantee that specific titles will be preserved. And since virtually no online resources are authenticated, the items that are preserved are not necessarily reliable. Similarly, in 2005 the Nebraska Publications Clearinghouse recognized the need to preserve digital state material, and began downloading key online state publications, storing copies on library commission servers, and making them available through the *State Government Publications Online* Web site.<sup>34</sup> While this is a step in the right direction, none of these materials have been authenticated and the method of preservation is most likely insufficient to ensure long-term access to authentic material.

As governments adopt digital publishing as the exclusive means of distributing information sources, they must play an active role in the preservation of their digital material, both by ensuring that essential titles are selected for preservation and by ensuring that authenticated versions of those materials are available and utilized by the preserving entity. Finally, they must ensure that who ever is responsible for maintaining the data is utilizing best practices for the preservation of digital information.

As indicated, the GPO has a well-developed program in place to address the reliability of some of its online legal resources.<sup>35</sup> Unfortunately, the states have done little to ensure the authenticity and long-term preservation of their online primary legal sources.<sup>36</sup> The lack of reliability of these state online materials is evident as many of these sites include some type of use disclaimer.<sup>37</sup> For example, the Nebraska Supreme Court Web site includes the following disclaimer: "Pursuant to Neb. Ct. R. App. P. §§ 2-112 and 2-102(E)(3), the only *official* [emphasis added] version of the opinions of the Nebraska Supreme Court and the Nebraska Court of Appeals appears in the bound volumes of the Nebraska Reports and the Nebraska Appellate Reports."<sup>38</sup> Similarly, the Unicameral Web site includes this disclaimer:

The Nebraska Unicameral Legislature makes every attempt to ensure accuracy and reliability of the data in the documents contained on this web site. However, the Nebraska Unicameral Legislature makes no warranty, guarantee, or promise, express or implied, concerning the content of the documents. For matters affecting legal or other rights, or to confirm content, please refer

to the printed version of the appropriate official publication.<sup>39</sup>


As these disclaimers indicate, the online Web sites are not the "official" source for opinions and statutes. To view the official source of the law, researchers must consult the printed version of these items. The presence of these disclaimers and the fact that neither online resource merits being considered "official" indicates that these resources cannot be considered truly reliable. However, simply labeling the online resource "official" does not make it worthy of this designation.<sup>40</sup> For information on the Nebraska Supreme Court and Nebraska Legislature Web sites to be reliable, and thus worthy of being the official source for their legal materials, those entities need to take measures to authenticate the information and ensure that the information is preserved. These two Nebraska Web sites are not, however, the only ones that contain disclaimers. Both Westlaw and LexisNexis include similar types of disclaimers in their online research tools. However, while the information located on the major CALR services is not any more official than the information located on the two Nebraska Web sites, attorneys routinely rely on these resources. One can speculate that reliance on these CALR services is based on the fact that they cost money. Both companies have customers they are trying to keep and providing unreliable information would be a sure way of losing customers to one another or to some other information provider.

Concerns regarding the reliability of online primary law resources have not gone unnoticed. Recently, the National Conference of Commissioners on Uniform State Laws (NCCUSL) created the Drafting Committee on Authentication and Preservation of State Electronic Legal Materials.<sup>41</sup> This committee recently drafted a proposed uniform law that addresses the authentication and preservation of these materials.<sup>42</sup> The draft does not mandate the use of any specific authentication or preservation techniques, but instead leaves these decisions to the individual states. Further, the draft puts the responsibility for preservation on the publisher of the information: "The official publisher of an electronic document subject to this [act] must provide for preservation of the document..."<sup>43</sup> Additionally, the draft indicates, "the official publisher must provide for continuing permanent public access to the document."<sup>44</sup> It is unclear whether the intent of the act is that each individual official publisher is obligated to independently provide for preservation and permanent public access or whether the official publisher can meet its preservation and public access obligations by participating in some larger collaborative effort. Given the costs and technological complexities involved with adequately preserving authenticated digital documents, it is unlikely that the individual publishers will have the resources to meet these goals on their own. Therefore, the act should allow the preservation and public access obligations



## PRACTICE TIP

to be met through collaborative efforts.

At its current stage of development, the free Web cannot totally replace subscription services. The free Web has many limitations that will need to be fixed before it can rightfully be considered a stand-alone research tool. Nevertheless, the Web's role in legal research will continue to expand. Governments are already publishing a majority of their primary law resources online, and "[i]t is clear that all future Government information, including text and graphics, still and moving images, and sound, will either be born digital or transformed into digital structure for manipulation, storage and delivery to end users."<sup>45</sup> Even though most of these online primary legal materials lack the official status of the printed material, users will continue to make greater use of them. They are free, readily available, and researchers have become reliant on the Web as an information resource. The demand for access to a freely available online archive of primary legal material will also continue to increase as more and more lawyers, and the general public, come of age during the Internet era. Looking to the future, it is not unreasonable to foresee the development of a free online archive of official primary legal resources. However, in order to successfully move to a free, online legal research format, the legal community must take steps now to shape the free online Web into a more useful and reliable resource. Before the online resources can be rightfully considered the official source of the law, the authentication and preservation of these materials must be guaranteed. 

## Endnotes

- 1 <http://www.law.cornell.edu/>
- 2 <http://www.wikipedia.org/>
- 3 See Carolyn Elefant, My Shingle.com, Free Legal Research by Google and What it Means (Nov. 17, 2009), <http://www.myshingle.com/2009/11/articles/legal-research-and-writing/free-legal-research-by-google-what-it-means/>.
- 4 [http://scholar.google.com/advanced\\_scholar\\_search?hl=en&as\\_sdt=1000000000](http://scholar.google.com/advanced_scholar_search?hl=en&as_sdt=1000000000).
- 5 See Ellie Margolis, *Surfin/Safari-Why Competent Lawyers Should Research on the Web*, 10 YALE J.L. & TECH. 82 (2007).
- 6 The editors of the Blue Book have recognized the reliability of commercial databases such as Westlaw and LexisNexis, in contrast to free Internet resources. Rule 18.1 states "[b]ecause of the reliability and authoritativeness of LEXIS and Westlaw... cite such sources, if available, in preference to the other sources covered by rule 18." THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION 151 (Columbia Law Review Ass'n et al. eds., 18th ed. 2005).
- 7 THE WHOLE DIGITAL LIBRARY HANDBOOK, at ix (Diane Kresh, Council on Library and Information Resources, ed., 2007).
- 8 A digital native is generally defined as some who was born after the major shift from analog technology to computer and digital resources and has grown up in today's digital society. For an overview of the concept of digital natives, see Nancy K. Herther, *Digital Natives and Immigrants*, 33 ONLINE 14 (2009). A more extensive treatment of this subject can be found in JOHN PALFREY & URS GASSER, BORN DIGITAL: UNDERSTANDING THE FIRST GENERATION OF DIGITAL NATIVES (2008).
- 9 For an analysis of the new Westlaw and LexisNexis interfaces,

see: Jill Schachner Chanen, *Wired! Innovation. Competition. Lower-cost Alternatives. The Battle for Your Legal Research Dollars Heats Up*, ABA JOURNAL, February 2010, at 34 available at <http://www.abajournal.com/magazine/article/wired/>.

- 10 See, e.g., the Government Printing Office Electronic Information Access Enhancement Act of 1993 § 2(a), 44 U.S.C. 4101.
- 11 Richard J. Matthews & Mary Alice Baish, American Ass'n of Law Libraries, State-by-State Report on Authentication of Online Legal Resources 33-37 (2007) [hereinafter *Authentication Report*], [http://www.aallnet.org/aallwash/authen\\_rprt/AuthenFinalReport.pdf](http://www.aallnet.org/aallwash/authen_rprt/AuthenFinalReport.pdf).
- 12 The government's obligation to provide the public with timely information is outlined in Depository Library Council & U.S. Gov't Printing Office, Federal Depository Library Program Strategic Plan, 2009-2014: Creating an Informed Citizenry and Improving Quality of Life 12 (Apr. 17, 2009), [http://www.fdlp.gov/component/docman/doc\\_download/37-fdlp-strategic-plan-2009-2014-draft-3?ItemId=45](http://www.fdlp.gov/component/docman/doc_download/37-fdlp-strategic-plan-2009-2014-draft-3?ItemId=45).
- 13 See, e.g., the Sunlight foundation (<http://sunlightfoundation.com/>) and the World Legal Information Institute's *Declaration on Free Access to Law* (<http://www.worldlii.org/worldlii/declaration/>).
- 14 See Three Geeks and a Law Blog, Sorry Westlaw and Lexis - The Days of Passing Charges to Clients are Numbered (Sept. 23, 2009), <http://www.geeklawblog.com/2009/09/sorry-westlaw-and-lexis-days-of-passing.html>.
- 15 *Authentication Report*, supra note 11. The reliability of online legal material was also analyzed in a second report by the American Association of Law Libraries: Richard J. Matthews et al., American Ass'n of Law Libraries, State-by-State Report on Permanent Public Access to Electronic Government Information (2003), [http://www.aallnet.org/aallwash/State\\_report.pdf](http://www.aallnet.org/aallwash/State_report.pdf).
- 16 See FED. R. EVID. 901 - 903.
- 17 Oxford English Dictionary 795 (2d ed. 1989).
- 18 *Authentication Report*, supra note 11, at 20.
- 19 *Id.* at 21.
- 20 Charles T. Cullen, *Authentication of Digital Objects: Lessons from a Historian's Research*, in *Authenticity in a Digital Environment* 3 (2000), available at <http://www.clir.org/pubs/reports/pub92/contents.html>.
- 21 See generally Heather MacNeil & Bonnie Mak, *Constructions of Authenticity*, 56 LIBRARY TRENDS 26 (2007). In footnote two, the authors cite numerous articles that have explored the concept of the authenticity of digital resources.
- 22 *Authentication Report*, supra note 11, at 21.
- 23 Rachael Bradley, *Digital Authenticity and Integrity: Digital Cultural Heritage Documents as Research Resources*, 5 PORTAL: LIBRARIES AND THE ACADEMY 165, 169 (2005), available at [http://muse.jhu.edu/login?uri=/journals/portal\\_libraries\\_and\\_the\\_academy/v005/5.2bradley.pdf](http://muse.jhu.edu/login?uri=/journals/portal_libraries_and_the_academy/v005/5.2bradley.pdf).
- 24 See generally D. Richard Kuhn Et Al., Nat'l Inst. of Standards and Tech., Introduction to Public Key Technology and the Federal PKI Infrastructure (2001), <http://csrc.nist.gov/publications/nistpubs/800-32/sp800-32.pdf>, for a detailed description of PKI technology.
- 25 GPO Access Home Page, <http://www.gpoaccess.gov/>, (last visited Apr. 21, 2010).
- 26 U.S. Government Printing Office FDsys Home, <http://www.gpo.gov/fdsys/search/home.action>, (last visited Apr. 21, 2010).
- 27 GPO Access Authentication, <http://www.gpoaccess.gov/authentication/index.html> (last visited Apr. 21, 2010).
- 28 As indicated in the *Authentication Report*, supra note 11, at 65, "[n]o state's online primary legal resources are authenticated or afford ready authentication by standard methods."
- 29 *Id.* at 33.

## PRACTICE TIP

- <sup>30</sup> Library of Congress, Preserving Our Heritage: Plan for the National Digital Information Infrastructure and Preservation Program 21 (2002), <http://www.digitalpreservation.gov/partners/resources/pubs/index.html>.
- <sup>31</sup> Several Nebraska statutes require that assorted state government documents be distributed to libraries. For example, NEB. REV. STAT. § 24-209 (2008), NEB. REV. STAT. § 49-617 (cum. supp. 2008), and NEB. REV. STAT. § 85-176 (2008) provide for the distribution of the Nebraska Reports, advanced sheets, and state statutes.
- <sup>32</sup> NEB. REV. STAT. §§ 51-411 to -418 (2004).
- <sup>33</sup> The Chesapeake Project Home, <http://cdm266901.cdmhost.com/index.php>, (last visited Apr. 21, 2010).
- <sup>34</sup> Nebraska Library Commission, Nebraska State Government Publications Online, <http://www.nlc.state.ne.us/statepubsonline/> (last visited Apr. 21, 2010).
- <sup>35</sup> See supra text accompanying notes 25 - 27.
- <sup>36</sup> See supra note 28.
- <sup>37</sup> *Authentication Report*, supra note 11, 55-63.
- <sup>38</sup> Nebraska Judicial Branch Opinions of the Court, <http://www.supremecourt.ne.gov/opinions/index.shtml> (last visited Apr. 21, 2010).
- <sup>39</sup> Nebraska Legislature Disclaimers, <http://www.legislature.ne.gov/contact/disclaimer.php>, (last visited Apr. 21, 2010).
- <sup>40</sup> As the *Authentication Report* indicates, various states have designated some of their online primary legal material as the "official" source, despite the fact that they have not taken adequate steps to ensure the reliability of these items. *Authentication Report*, supra note 11 at 37.
- <sup>41</sup> NCCUSL Web, <http://www.nccusl.org/update/DesktopDefault.aspx?tabindex=0&tabid=59>, (last visited Apr. 21, 2010).
- <sup>42</sup> National Conference of Commissioners on Uniform State Laws, Authentication and Preservation of State Electronic Legal Materials Act (Mar. 5-7, 2010)(draft of uniform state law), <http://www.law.upenn.edu/bll/archives/ulc/apselm/2010jan8%20meeting%20draft.pdf>.
- <sup>43</sup> *Id.* at 4.
- <sup>44</sup> *Id.* at 4.
- <sup>45</sup> U.S. Gov't Printing Office, A Strategic Vision for the 21st Century (2004), <http://www.gpo.gov/pdfs/congressional/04strategicplan.pdf>.

THE NEBRASKA STATE BAR ASSOCIATION  
NEBRASKA LAWYERS FOUNDATION (NLF)

Presents the

# 7TH ANNUAL GREATER NEBRASKA GOLF SCRAMBLE

FRIDAY, JUNE 25, 2010

The PRAIRIE CLUB

Valentine, NE 69201

888-402-1101

Thank You to Our Golf Tournament Sponsors!  
(as of press time)

### CO-SPONSOR

- MARSH

### HOLE SPONSORS

- BARNEY ABSTRACT & TITLE CO.
- BERRECKMAN & DAVIS, P.C.
- BROUILLETTE LAW OFFICE, PC, LLO
- COUPLAND LAW OFFICE
- DUDDEN & FAIR
- ELITE COURT REPORTING
- FITZGERALD VETTER AND TEMPLE
- GEORGE V. VINTON, ATTORNEY AT LAW
- JOHNSON, MORLAND, EASLAND & LOHRBERG P.C.

- LANE & WILLIAMS, P.C.
- LATIMER REPORTING
- LINDEMEIER, GILLET, DAWSON AND TROSHYNSKI
- MCCARTHY PEDERSON MOORE & BOCOTT
- MCGINLEY O'DONNELL REYNOLDS & KORTH, PC LLO
- MCQUILLAN & MCQUILLAN, P.C.
- NORMAN, PALOUCEK & HERMAN
- PARKER GROSSART BAHENSKY & BEUCKE, L.L.P.
- QUIGLEY, DILL & QUIGLEY LAW FIRM

- SENNETT DUNCAN & JENKINS, P.C.
- TYE & RADEMACHER P.C., L.L.O.
- WELSH & WELSH P.C. L.L.O.
- ZEILINGER LAW OFFICE

### RAFFLE PRIZES

- ARSENAL STAND BAG- DONATED BY AUSTAD'S
- ONE ROUND OF GOLF FOR 4 WITH CART - DONATED BY THE PRAIRIE CLUB

### HOLE IN ONE CONTEST

- SPONSORED BY MARSH AFFINITY SERVICES