

ELECTRONIC FILING OF COURT DOCUMENTS ANNOTATED BIBLIOGRAPHY

Prepared For The
Electronic Filing Team
Technology Task Force
State Bar of Arizona

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ELECTRONIC FILING IN THE COURTS

Aarons, Anthony. "County Supervisors Award Court Contract to Ameritech." (Los Angeles) 210 *Los Angeles Daily Journal* 2 (November 2, 1994).

A short news article noting that the Los Angeles Superior and Municipal court have selected the Ameritech system to allow them to design an electronic filing project for legal documents. Explains the basic idea and savings from the program.

Aarons, Anthony. "Just the Facts: Filing by Fax Has Not Caught On. (California Law Business supplement)." 108 *Los Angeles Daily Journal* S26, col.3 (January 9, 1995).

A brief news article explaining that even though the court rules in California allow for the option of filing legal documents by fax many jurisdictions have not began this program. The Los Angeles County is developing an electronic filing system using an Ameritech system and other courts in California are waiting to see how well it is received before beginning similar projects.

Aarons, Anthony. "Short Circuit: Three States are Pioneering Electronic Court Filing - and Saving Trees. The Results in Idaho, Utah and Delaware are Promising." (California Law Business supplement) 107 *Los Angeles Daily Journal* S8, col. 2 (October 24, 1994).

This article describes the advantages of electronic filing and a brief overview of three courts that are currently using this technology, Idaho, Delaware, and Utah. Presents the basic costs and savings and the general reactions to the systems.

Asay, Alan. *Electronic Filing and Judicial Electronic Document and Data Interchange (JEDDI)*. (Fourth National Technology Conference, October 1994) National Center for State Courts, 1994. <http://www.ncsc.dni.us/ncsc/ctc4/articles/elec_a.htm>

The author describes the reasons for using a system for electronic court filing and looks at the options available for such a system. The system Utah chose "automatically (1) receives signed case file documents via electronic mail, (2) checks each such document for conformity to court requirements, (3) updates the court database with data extracted from the document, (4) adds the document to an electronic case file, and (5) responds with a return mail message to the sender reporting the actions taken." The author goes on to describe all the advantages that electronic filing provides. The Utah courts evaluated a variety of technologies to decide which one was right for them. They included imaging systems, Electronic Data Interchange (EDI), word processors, and Standard Generalized Markup Language (SGML). In the end, the Utah courts chose Omnimark from Exoterica, Inc. for commercial SGML software and Views 3.1 and other related products from Folio Corp. for text indexing and presentation software.

Dellenbach, David B. "Recent Developments in Utah Law: Public Access to Judicial Records". 1992 *Utah Law Review* 265 (1992).

This article provides a brief overview on public access to judicial records and explains the reasoning and laws behind a recent ruling by the Utah Supreme Court regarding access to court records. The scope of the judicial authority was explained and the impact of the ruling was briefly discussed.

Directory of Public Access Services: Electronic Public Access to Automated Information in the United States Federal Courts, April 1, 1994. Williamsburg, VA: [National Center for State Courts](#), 1994.

The paper provides the phone numbers and automated numbers needed to access the automated information available from various Federal Courts in the country. It briefly describes which courts have either ACES (Appellate Court Electronic Services) or PACER (Public Access to Court Electronic Records), as well as the U.S. District Courts ELF electronic filing systems in Eastern District - Pennsylvania and Western District - Texas.

EDI/OU Manual / EDI/IN Manual. Administrative Office of the Pennsylvania Courts, 1996. <<http://www.cerf.net/penna-courts/pub/download/edi.htm>>

These manuals are actually brief descriptions of file specifications and record layouts for "inbound" ASC X12 communications to the Statewide Automated District Justice System (DJS), and "outbound" (or user data download requests) communications from DJS. Downloads, for criminal case information, are via web browser from the Pennsylvania Administrative Office of Courts world wide web page.

Egar, David J. *Electronic Filing*. (Snake River Basin Adjudication District Court, Idaho) (Fourth National Technology Conference, October 1994) National Center for State Courts, 1994. <http://www.ncsc.dni.us/ncsc/ctc4/articles/elec_c.htm>

This article describes the electronic filing project developed for the Snake River Basin Adjudication, an Idaho civil court water rights adjudication. The article describes the options considered for the project, and the system ultimately employed, using forms software (Liberty Forms, developed by Delrina and AT&T, a Windows-based, mail-enabled software package with rule-base routing capability) and AT&T's Easy Link e-mail service (the third party mailbox). The article concludes with considerations for developing electronic court filing projects.

"Electronic Data Interchange in the Magistrates' Court." (Victoria) *67 Law Institute Journal* 824 (1993).

This article describes the basic premise and benefits behind the use of electronic data interchange within the court system. Provides a pie chart illustrating the responses to the query "what sort of benefits would overnight turnaround for the issue of complaints provide for your firm. Discusses the changes needed in court rules before the technology could be implemented. Briefly outlines a pilot program being developed.

"Electronic Filing System Brings Order to Mountain of Documents." (U.S. District Court, Northern District of Ohio) *28 The Third Branch* 6 (February 1996).

This article is a brief description of the Internet-based electronic filing system in the Northern District of Ohio. The U.S. District Court in Cleveland faced a maritime asbestos caseload of more than 5,000 cases per year, with 10,000 pleadings filed each week and 100 different defendants per case. With an eight-month backlog of 250,000 pleadings, streamlined paper flow reduced only 30-40% of the paperwork. The electronic filing project, mandated for all filings as of January 2, 1996, effectively made the attorney the docketing and filing clerk. Attorneys prepare documents using word processors, save the documents in portable (PDF) format, and transmit the documents via the Internet, using the court-provided docket entry menus. An attorney requires a personal computer, \$200 of software, and an Internet service subscription. The court and parties print documents only if the case goes to trial, and the court requests a copy. The cases involve over 400 attorneys, with 50 accounting for the bulk of the filings, and training sessions were held for the involved bar. The court also provided a test system for attorneys to use before docketing actual filings.

Evans, James. *JusticeLINK: Maryland's Electronic Court Test*. <<http://www.govtech.net/1995/gt/jul/dept/justice.htm>>

The article describes the pilot project started in the Circuit Court in Prince George's County, MD to see if electronic filing of, initially, foreclosure and personal injury cases is a workable solution to the ever increasing costs of a paper world. The project, called JusticeLINK, is composed of a group of private companies, the National Center for State Courts, and members of the bench and bar. The article goes on to describe what they hope to accomplish and how they will go about getting to that end.

Heckelman, David. "Panel 'Likely' to Back Electronic Filing of Court Papers." (Illinois) *139 Chicago Daily Law Bulletin* 1, col.2 (November 4, 1993).

A brief news article relating the discussions of the Illinois Supreme Court on electronic filing of court documents. The panel was discussing filing documents using fax technology, however they also said that the new rules, if enacted, would likely encompass other technologies as well.

James, Suzanne H. "Electronic Filing." 8 *Court Technology Bulletin* 1 (May/June 1996).

This is another description of the JusticeLINK electronic filing system, which accepted its first filing January 16, 1996. The author describes the system as a public/private partnership between the circuit court and Anderson Consulting. The project is limited to motor tort and foreclosure cases. The court is responsible for defining how electronic filing will work in everyday practice, the county for the technical environment and revised business (pleadings filing and processing) process. Andersen Consulting receives the benefit of testing and fine-tuning its system in a working environment. The system had an installation/testing cost of \$25,000. Subscribing attorneys pay approximately \$200 per workstation and \$15 per filing, plus \$.50 per online minute for querying the database. The system is said to reduce the steps involved in docketing a foreclosure case by 28%, and if fully implemented would effect a 50% reduction.

Jacobius, Arleen. "Two More Courts Add Electronic Filing." (Prince George's County, Maryland; Los Angeles County, California) 81 *ABA Journal* 20 (September 1995).

This article briefly discusses two electronic filing systems and how they are being used, CLAD and the system in Idaho. Describes the new Ameritech system to be installed in the Los Angeles courts and the impact it is likely to have on the court system. Briefly discusses the costs and the problems that could be associated with the new system.

Katzenstein, Robert J. "CLAD: Delaware's Paperless Docket." 20 *Litigation* 37 (Winter 1994).

Provides a comprehensive overview of Mead Data Central's automatic docketing system, CLAD (Complex Litigation Automated Docket). Discusses the pros and cons of filing documents using this system. Provides an overview of the technical requirements and abilities, examples of how members of the legal community have used the software, and costs of accessing the information and using the system.

Kornowski, Joseph. "Electronic Filing in Los Angeles Superior Court." 18 *Los Angeles Lawyer* 85 (September 1995).

This article discusses the use of CivicLink Interactive Court Services (ICS) in Los Angeles County Superior Court for electronic filing of documents. The article provides a brief overview of the contract itself and what the systems requirements were to operate CivicLink. The author also discusses the changes that needed to be made to court procedures to accommodate electronic filing.

Messing, John H. *Preliminary Feasibility Study of the Pima County Consolidated Justice Courts on the Electronic Filing of Court Documents Over the Internet*, 1996.

This report, commissioned by the Pima County (Arizona) Consolidated Justice Courts for submission to the Internet Subcommittee of the Supreme Court of Arizona's Technology Committee, examines the feasibility of employing an Internet web site for filing of initial pleadings in small claims court matters. If the project is approved by the Supreme Court, electronic filings may begin in January 1997. The system described would permit users to generate the necessary documents on the web site, and submit the completed documents to the court via the Internet. The forms would be annotated with instructions and links to applicable statutes, and the system would verify that the form was completed and correctly formatted prior to actual submission. Payment for filing fees would employ the forthcoming SET encryption protocol for VISA and MASTERCARD online payment if and when available, and encrypted web server for

payment until that time. The report recommends encryption of financial data on the web site computer and bonding of personnel having access to the data. The report also recommends use of secure hypertext transmission protocol (SHTTP) to control access to and digitally sign documents. The report distinguishes small claims filings, which employ standard forms for pleadings and documents, from higher court filings, which employ far fewer standard forms, and describes improved ease of use and access as benefits of the project. An appendix lists project goals, problems to be addressed, and issues for further study. Originally found at: <http://lawonline.jp.pima.gov/zbs/html/rpt.asp>.

Perritt, Henry H., Jr. *Electronic Dockets: Use of Information Technology in Rulemaking and Adjudication: Report to the Administrative Conference of the United States, 1995.*
<http://www.law.vill.edu/chron/articles/electronic_dockets/acuscut.htm>

The report is a wide-ranging, comprehensive discussion of the practical, legal, technological, and policy issues in automating rule-making and adjudicatory proceedings, in the context of the federal Department of Transportation and Nuclear Regulatory Commission automation initiatives. The report presents a technological context, including an introduction to basic local and wide area network technologies (particularly the Internet and its impact on development of client-server and distributed database technology), agency acquisition and storage of information, data retrieval within agencies, use of digital signatures, and public access. The report then examines the NRC initiatives, including electronic docket for adjudications and World Wide Web forms-based rule-making, and experimental electronic filings in cooperation with the JEDDI Corp., and DoT's agency-wide central docket management initiative. A brief overview of federal and state court efforts is also presented. The report sets out the current federal policy context (archiving policy, National Information Infrastructure, GILS and OMB Circular A-130 access standards), and discusses at length the legal issues (Administrative Procedure Act requirements, building and ensuring the record for judicial review, signatures and authentication methods, public access to government data, privacy, and trade secret and copyright issues). Drawing on this discussion and the DoT and NRC experiences, the author discusses the technology and policy choices for automating administrative agency processes. The report's recommendations urge automated agency processes relying on open network technologies and applications, allowing for electronic filing employing SGML and EDI standards, and preserving and enhancing remote public access to data. The report has extensive references to applicable federal and state laws, technical and policy standards, and other source materials.

Shaw, Chris. "Automation at its Best: How Los Angeles's Municipal Court Did it." 32 *Judges Journal* 48 (Summer 1993).

This article provides a brief overview of the Los Angeles Municipal Court's system of automation, some 45 projects and looks at where they are and where they are going. It briefly describes several systems already in use throughout the Court structure.

Van Duch, Darryl. "Court Filing Via the Internet: Cleveland Federal Court Mandates Electronic Filing." 18 *National Law Journal* A10 (May 13, 1996).

A brief article describing the electronic filing mandate for maritime asbestos cases in the U.S. District Court in Cleveland, thought to be the first use of the Internet for electronic filing of court documents.

Yerton, Stewart. "CLAD for Litigation: As the Law Goes Electronic, Courts Are Slowly Catching On, Letting Attorneys Use a Computer System - Dubbed "CLAD" - to File Documents." 16 *American Lawyer* 111 (October 1994).

The author summarizes the benefits and drawbacks of electronic filing, in the context of a law firm's experience with the first filing using the Manhattan Federal Bankruptcy Court's CLAD system (developed by Mead Data Central). The benefits, based on the early New York filings and three years of Delaware Superior Court experience: speed and ease of filing, significant reduction of paper and paper storage, near-instantaneous access to documents, reduction of clerical staff hours, improved efficiency of case processing. Problems include difficulties in connecting systems, bifurcated filing (electronic documents, paper exhibits and appendices), and user resistance.

ELECTRONIC INFORMATION IN THE COURTS

Anderson, Robert, *et al.* "The Impact of Information Technology on Judicial Administration: A Research Agenda for the Future." 66 *Southern California Law Review* 1761 (1993).

Article prepared for California's Committee on Technology of the Commission on the Future of the Courts: 2020 Vision Project. The article is a wide-ranging discussion of the different technologies being used in the courts now, and those likely to be widely used past the year 2000. Interspersed are different scenarios illustrating the uses of the different technologies and their benefits to the public and the judicial system. Information technologies will improve accuracy and flow of information, and make the system much more open to the public and the other participants in the system.

Bardige, Stephen I. "Imaging Technology: Moving to a Paperless Court." 32 *Judges Journal* 52 (Summer 1993).

The article discusses the use of imaging technology as a way of improving the storage and retrieval of information for court use. As an example, the author points to Middlesex County Registry of Deeds and how this court division uses imaging to better service its customers and better handle the millions of documents that they receive. The article also discusses what imaging is and how a court might implement it into their structure.

Barger, Robert W. "Technology Section Examines Electronic Citations; The Electronic Data Interchange Committee is Identifying the Issues Arising from New Access to Case Law." (ABA) 16 *National Law Journal* C8 (August 8, 1994).

This article reports the progress the ABA committee on EDI has made in developing a standard for electronic case citations. There is a discussion on the importance of having a standard and how the current print standard could be applied to the electronic format. The new standard has not yet been developed, but there is a report being published by the committee detailing the proposed new citation standards.

Bauman, Norman. "Please Enter Your Plea: Guilty (F1) Not Guilty (F2)." 2 *Law Office Computing* 86 (October-November 1992).

This article describes many different ways the courts can use computer technology to improve caseload management and access to court information. Examples of programs include evaluating

DWI sentences, creating jury charges, and compiling caseload statistics. The software and hardware needed to implement these programs is discussed as are ways to sell these programs to court administrators. Advantages and disadvantages of these systems are outlined.

Cashman, Victoria S. "The Emerging Electronic Connections for Courts." 32 *Judges Journal* 61 (Summer 1993).

The author describes the automation system set up by the Montgomery County (Ohio) Common Pleas Court. This system integrates all participating agencies within the county and standardizes the data entry, records design, and hardware, software and networking needs of each agency. The article discusses the automation projects and task forces set up around the country to address the problems and solutions associated with having electronic courts.

Christofferson, Clyde. *JEDDI: Electronic Filing For the Rest of Us*. National Center for State Courts, 1994. <<http://www.netrail.net/~jeddi/article1.htm>>

This article looks at the development of JEDDI - how did it come about, what is its purpose, what are courts looking for in automation and what can vendors provide. This article takes the reader through the initial stages of JEDDI's development and what was accomplished at the 1993 Williamsburg Conference.

Committee on Federal Courts. "Comments on Proposed Rule 5, Federal Rules of Civil Procedure." 50 *Record of the Association of the Bar of the City of New York* 346 (April 1995).

Comments on proposed amendments to Federal Rules of Civil Procedure, Rule 5(e), regarding service and filing of pleadings and other court documents by electronic means, by the Committee on Federal Courts, Association of the Bar of the City of New York. In the Committee's view, the proposed amendments permit each district court to enact separate rules governing electronic filing, without approval or adoption of standards by the Judicial Conference of the U.S. The Committee states that while electronic filing is desirable for efficiency purposes, the proposed rule and official comments fail to adequately address access to electronic court files by parties and non-parties (particularly by failing to limit electronic filing to parties that register to do so, or to provide for a party's opting out of electronic filing at the court's discretion); maximization of compatibility of court computer systems with those of the relevant legal communities; verification of authenticity and accuracy of electronically filed documents; and security of electronic court files. Additionally, the Committee believes the proposed rule should provide for monitoring of pilot electronic filing efforts in the district courts, to provide usable data for development of uniform rules and standards. The Committee favored changes to the proposed rule that would specifically address these concerns.

"Court Technology in the 21st Century." 8 *Court Technology Bulletin* (January/February 1996).

This article contains excerpts from an interview with six court technology experts. Their answers to several questions on current advances in court technology are given as well as a discussion on where they see electronic technology in the courts heading in the future.

Forrester, J. Owen. "The History of the Federal Judiciary's Automation Program." 44 *American University Law Review* 1483 (June 1995).

This article provides an overview of federal judiciary automation efforts from the mid-1970's Washington D.C. based COURTRAN host/terminal system through implementation of the Integrated Case Management System to the 1990's initial implementations of the judiciary's data communications networks. The author, U.S. District Court Judge for the Northern District of Georgia, notes that in 1991, surveys revealed that no more than one quarter of all judicial officers had any knowledge of computers. Automation training programs for judges were implemented and continue to be oversubscribed. Nevertheless, the author believes the full benefits of automation, including electronic filing, will only be realized as permitted by budgetary restrictions, the rate at which judges and court managers become comfortable with automation, and the rate at which technical support staff can adapt to new technologies.

Freud, Jo Ann. "Judicial Information Systems: Electronic Data Interchange". 7 *Court Manager* 23 (Winter 1992).

The author discusses the special problems EDI poses for courts - document authenticity, data integrity, system integrity, confidentiality, and system security - and surveys electronic filing and access to court documents, as well as the use of other technologies, in federal, state and local courts. The author concludes that EDI technology, despite its costs and the judicial system's traditionalism and resistance to change, will become commonplace in the courts.

Greacen, John M. "Court Rules Related to Technology." 10 *Court Manager* 8 (Spring 1995).

The author is Clerk of the U.S. Bankruptcy Court in New Mexico. The article surveys state and federal court rules dealing with technology. The rule-making process is said to be slow, skeptical of new technology, and requiring highly demanding showings for change. Imposition of extraordinary requirements to guarantee accuracy and retained redundancy in electronic and paper records are impediments in the rule-making process. The author discusses the issues involved, including technical compatibilities between courts and bar, original signatures, costs and revenue generation, and makes recommendations. The article includes a listing of technology-related rules.

Judicial Conference of the United States, Committee on Automation and Technology. *Long Range Plan for Automation in the Federal Judiciary: Fiscal Year 1996 Update*. Washington: Administrative Office of the United States Courts, 1996.

This 1996 update to the *Long Range Plan for Automation in the Federal Judiciary*, pursuant to 28 U.S.C. §612, describes the Information Resources Management vision, mission, goals and major project initiatives, for all automation activities under the Judicial Conference Committee on Automation and Technology. The plan's scope includes electronic information resources and management activities for the federal appellate, district, and bankruptcy courts, pretrial and probation services, and the Administrative Office of the U.S. Courts. The plan recognizes electronic data interchange with federal, state, and local governments and the private sector as a key external factor influencing the judiciary's programs. The plan includes pilot projects for electronic filing of bankruptcy petitions, electronic filing of applications in appellate courts, Electronic Bankruptcy Noticing (employing EDI technologies), and project planning for electronic filing and noticing in district and bankruptcy courts. Inadequate capabilities for electronic exchange of information and data, continuing need for redundant data entry, and improved access to court information for both the judiciary and the public, are key problems identified throughout the plan.

Magnus, Richard. "Futures Planning of the Courts for the 21st Century - The Envisioning Process." 5 *Journal of Judicial Administration* 94 (November 1995).

This article describes the principles and processes behind developing a long range vision for the court. It begins by explaining what futures planning is and how it can be used within the court system. Mangus then goes on to outline the step necessary for developing a successful long term plan. The benefits of futures planning are listed in an easy to read table. Who should be on the planning committee and what goals and priorities should be set are discussed. This article is very useful for anyone contemplating a major change in their court organizational or operational system.

McMillan, Jim. "Judicial EDI: The Need for National Standards". 7 *Court Manager* 17 (Winter 1992).

The author places judicial EDI in the context of *Trial Court Performance Standards* goals such as access to justice, expedited case processing, and ensuring fairness and integrity. He discusses EDI's potential as a tool for achieving those goals, and the problems to be resolved in developing national EDI standards. EDI, as a forms-based system with a structured mail transport system, is susceptible to development of common data elements and document structures, as has occurred in the commercial arena, functioning as a bridge between differing court and computer systems. EDI's automated document logs and audit trails, similar to commercial EFT systems, can greatly improve the document authentication process. Filing fees may be handled through impound accounts, credit or debit cards, or standard commercial fund transfers. Judicial EDI's benefits include enhanced database capabilities, time savings and data entry efficiencies, improved accuracy, improved access to information, and increased interoperability and communications between systems.

McMillan, Jim. "JEDDI Update". 6 *Court Technology Bulletin* (January-February, 1994).

This article discusses developments in Judicial Electronic Document and Date Interchange (JEDDI) standards following the May 1993 JEDDI training and work sessions sponsored by the National Center for State Courts. The common data exchange work group proposed two standards, governing general court notices and bankruptcy court notices, both substantially based on ANSI X12 rules. The bankruptcy notice standard proposes use of binary data segments allowing notices containing images of evidence and digitized photographs. The communications work group focused on guidelines for value added networks and point-to-point communications, and message security. Although most court messages are matters of public record, security mechanisms are needed to identify senders and receivers, and confirm receipt; and, for private messages (such as juvenile matters) the message itself must also be secure. The document and legal issues group, committed to a public domain document standard, was considering the Postscript and Standard Generalized Markup Language standards.

McMillan, Jim. "Toward the Electronic Court." 31 *Trial* 19 (October 1995).

The author argues that the legal community lags behind the business world in seeking the cost savings potential of electronic mail and EDI. The primary means by which courts receive information, forms and legal documents, can be automated. The author surveys common arguments against electronic documents - they are easily changed or tampered with, discriminate against indigent parties, and are unnecessary if courts simply image paper documents - and argues that the efficiencies and enhanced database capabilities of electronic documents offer clear benefits to both the bar and the court system.

Meagher, John M. "Designing an Integrated Justice System." 32 *Judges Journal* 60 (Summer 1993).

The author, administrative judge for the Montgomery County Common Pleas Court (Dayton, OH), summarizes the county's Judicial Information System project, designed to deliver an integrated database and network system to replace a county-operated mainframe. Funded by a permissive automation surcharge on state-mandated fees, used to pay back general obligation notes, the project relied on a JIS policy board of judges and elected justice system officials to determine and set common objectives and record design, data entry, and systems standards. The court's automated drug offender management system is described. Pending amendments to court rules would permit electronically "signed" verdicts, judgments, orders and journal entries.

Roper, Bob. *Colorado Integrated Criminal Justice Information System: Executive Summary*, 1995. <<http://www.rmii.com/slv/courts/iis/cjisexex.htm>>

This document describes a strategic plan for implementation of an integrated criminal justice information system, mandated by Colorado legislation. The agency environments involved are described, including the Colorado Judicial Branch, Department of Corrections, Office of Youth Services, Bureau of Investigation, and District Attorneys Association. The model relied upon describes a layered migration to open systems: common communication protocols, standardized sharing or access to file space on agency computers, standard SQL database access, standard databases, and common user interface. The first three would be achieved in the first year, creating a for users a "virtual database," with a clear migration path to all five layers in a five year period, creating a true open, client/server environment. Future goals include electronic transfer of documents and electronically "signed" documents.

Sherman, Rorie. "Virtual Venues: Technology Now In Use May Someday Create a Courtroom in Cyberspace." 16 *National Law Journal* 1 (January 10, 1994).

This article discusses the use of computers and advanced technology in the courtrooms and in courts in general. It looks at the various systems in place in the country now and what judges and court personnel would like to see in the future. The article describes, among other examples, the use of video transcripts in courtrooms in Kentucky as well as video teleconferencing in use in Florida.

Walker, J. Douglas. *The Challenging Voyage to Statewide Court Automation*. Williamsburg, VA: [National Center for State Courts](#), 1994.

This is an interesting document that takes a look at how different states are handling long term automation projects. The National Center for State courts surveyed the states to determine what types of automation projects were in process or being considered as well as the overall level of automation. This report compiles some of those results, discusses how to sell automation to the public, the legislature, and the courts. They also discuss the automation concerns in four states including North Carolina. This document is worth taking a look at if your court is planning on beginning a major automation project.

Weiss, Lara A., and James H. Weaver. "ATM's Bring the Court to You." 32 *Judges Journal* 56 (Summer 1993).

A description of the Long Beach (CA) Municipal Court's "Auto Clerk" kiosks, which allow citizens to complete online transactions such as pay or obtain extensions for parking and traffic citations, enter "not guilty" pleas, schedule trials, and register for traffic schools. The kiosks generate printed receipts for all transactions. The primary benefits are said to be improved services (24 hours, 7 days per week), reduction in traffic flow in the court clerk's office, and freeing staff to perform other non-repetitive tasks. The kiosk system synchronizes transactions between the

county's mainframe system, the court's AS/400, the kiosk's multimedia front end, and commercial clearinghouses for electronic payments.

Willoughby, Sue C., "Automating and Linking Pennsylvania's District Courts: a Success Story." 32 *Judges Journal* 30 (Summer 1993).

This article walks through the Pennsylvania District Justice Courts experience in automation. From the beginning planning stages in 1985, with the adoption of the Steering Committee on Court Automation, to the final installation of all 538 offices in December of 1992, the author points out what worked well and what did not. She shares her insights in automating, after having gone through the long, tedious process.

LEGISLATION & REGULATIONS

Arizona Revised Statutes, §12-282(D). Custody of records filed....

<<http://www.azleg.state.az.us/ars/12/282.htm>>

Amended by Laws of 1996, Chapter 95, Section 1 (SB 1103). Subsection (D) deals in part with electronic reproductions or images of records; the amendment adds that state or local agencies shall accept such records "as a registration of a record or a procedure if the agency receives the record from the clerk...through electronic transmission and the electronically reproduced document states that the copy received is a full, true and correct copy of the original on file...."

Arizona Revised Statutes, §12-284.02. Electronic filing and access; fee.

<<http://www.azleg.state.az.us/ars/12/284-02.htm>>

Amended by Laws of 1996, Chapter 95, Section 4 (SB 1103). Subsection (A) states that the "presiding judge of the superior court may provide for the electronic filing of documents and electronic access to superior court records, pursuant to rules adopted by the supreme court." Subsection (B) establishes fees not to exceed \$100.00 for annual online access subscription and \$2.00 per minute for online access to records. Collected fees are to be used for improving access to superior court records.

Arizona Revised Statutes, §22-284. Electronic filing and access; fee....

<<http://www.azleg.state.az.us/ars/22/284.htm>>

Amended by Laws of 1996, Chapter 75, Section 2 (SB 1149). Subsection (A) states that the "presiding judge of the superior court may provide for the electronic filing of documents and electronic access to justice court records, pursuant to rules adopted by the supreme court." Subsection (B) establishes fees not to exceed \$100.00 for annual online access subscription and \$2.00 per minute for online access to records. Subsection (E) states that collected fees are to be used "for purposes consistent with the purposes of this section."

Arizona Revised Statutes, §22-408. Electronic filing and access; fee....

<<http://www.azleg.state.az.us/ars/22/408.htm>>

Amended by Laws of 1996, Chapter 75, Section 3 (SB 1149). Subsection (A) states that the "presiding judge of the superior court may provide for the electronic filing of documents and electronic access to municipal court records, pursuant to rules adopted by the supreme court, after consulting with the city or town council of the city in which the municipal court is located." Subsection (B) establishes fees not to exceed \$100.00 for annual online access subscription and \$2.00 per minute for online access to records. Subsection (D) states that the presiding judge shall obtain approval of additional expenditures required of a city or town from the city or town council. Subsection (E) states that collected fees are to be used "for purposes consistent with the purposes of this section."

Arizona Revised Statutes, §41-121(13). Duties of the secretary of state relating to digital signatures. <<http://www.azleg.state.az.us/ars/41/121.htm>>

Added by Laws of 1996, Chapter 213, Section 1 (HB 2444). Provides that the secretary of state shall "approve for use by all other state agencies, and accept digital signatures for documents filed with the office of the secretary of state," and shall adopt rules.

California Government Code, § 16.5. <<http://www.gcwf.com:80/articles\digsig.htm>>

Added by Laws of 1995, Chapter 594 (AB 1577). Provides that any party to a written communication with a public entity as defined in §811.2 may use a digital signature, which shall have the same force and effect as a manual signature if the specified requirements of the section are met. Defines digital signature as an "electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature." Requires the secretary of state to adopt initial regulations by January 1, 1997.

Florida Electronic Signature Act of 1996. <<http://www.scri.fsu.edu/fla-leg/bill-info/1996/s0942.html>>, <<http://www.scri.fsu.edu/fla-leg/bills/house-1996/hb1023.html>>

General Bill S942 and General Bill H1023, substantially identical measures, were prefiled in the Senate and House respectively February 8, 1996; S942 is the bill that was ultimately passed and became effective May 25, 1996. The bill defined "writing", "certificate", "certification authority", "digital signature", and "electronic signature." The bill would give the Secretary of State authority to issue, suspend and revoke certificates, and would require the Secretary to study and report back to the legislature on issues related to expanding the use of digital signatures for electronic commerce.

Georgia Digital Signature Act. (Proposed amendments to Official Code of Georgia Annotated, adding Title 10, Chapter 12).<<http://gnsun1.ganet.state.ga.us/cgi-bin/pub/leg/legdoc?billname=1997/SB103&docpart=full&highlight=digital|signature|act>>

Georgia's draft bill is substantially similar to the Utah act.

Mississippi Code 1972, §§9-1-51 *et seq.* Electronic Filing and Storage of Court Documents.

Three sections of the Mississippi Code authorized (but did not require) courts to institute electronic filing and storage of court documents, subject to any rules and regulations prescribed by the Administrative Office of Courts and adopted by the Supreme Court. The legislature's intent was declared to be that official documents could be filed and stored as authorized in these

sections, or as otherwise provided by law, at the discretion of the clerk. "Electronic filing" was defined as "transmission of data to a clerk...by communication of information which is originally displayed in written form and thereafter converted to digital electronic signals." Certain minimum requirements for electronic storage systems were established.

Montana Code Annotated, §25-3-501. Service of Telephonic or Telegraphic Copy.

§25-3-501 states in part that any summons, writ, order or other paper requiring service may be served by telephone or telegraph, which service shall have the same force and effect as service of an original document. The statute requires filing of the original document in the court from which it was issued, and preservation of a certified copy in the third party office from which it was sent. This is an example of a simple and straightforward statute governing service of documents by telephonic or electronic means, while still also providing for filing and preservation of the "original" document. The statute also states that where a document requires a seal, presence of the seal may be expressed in the electronic transmission by the word "seal."

Texas Government Code, §§51.801 *et seq.* Electronic Filing of Certain Documents.

§51.801 defines electronic filing of documents with district, county and court of appeals clerks as filing of data "by the communication of information, displayed originally in written form, in the form of digital electronic signals transformed by computer and stored on microfilm, magnetic tape, optical disks, or any other medium." §51.803 states that the supreme court shall adopt rules and procedures to regulate use of electronic filing and approve the clerk's system. §51.806 establishes that any requirement that a document be signed in the original is satisfied if the sending station at the point of origin maintains a hard copy with the original signature; the electronically reproduced document is to be accepted as the signature document unless the hard copy is requested by a party. The subchapter also sets out transmission, acknowledgment, receipt and validation requirements.

Utah Digital Signatures Act. Utah Code Annotated, §§46-3-101 *et seq.*

<http://www.le.state.ut.us/~code/TITLE46/46_03.htm>

Added by Laws of 1995, Chapter 61 (effective May 1, 1995). Consists of interpretation and definitions (§§46-3-101 *et seq.*), licensing and regulation of certification authorities (§§46-3-201 *et seq.*), duties of certification authority and subscriber (§§46-3-301 *et seq.*), effect of a digital signature (§§46-3-401 *et seq.*), state services and reorganized repositories (§§46-3-501 *et seq.*). The Department of Commerce, Division of Corporations and Commercial Code has rule-making authority. The cited version includes extensive comments; references to the ABA Guidelines, other state and model laws; and proposed amendments to Utah criminal code relating to forgery and fraud in electronic commerce. Comments to §401 include a survey of signature requirements in judicial and other statutory and rule-mandated documents. The Utah Digital Signature Act (1996) may also be found at: <http://www.commerce.state.ut.us/web/commerce/digsig/act.htm>

Utah Digital Signatures Act, Administrative Rules. Utah Administrative Code, §§R154-10-101 *et seq.* <<http://www.commerce.state.ut.us/web/commerce/digsig/rule.htm>>

The Division of Corporations and Commercial Code rules add several definitions, and cover certification authority oversight and practices, and repositories: amount of suitable guaranty, certification authority disclosure records, certification content and form, form of certification practice statements, record-keeping by certification authorities, cessation of certification authority activities, and recognition of repositories.

Virginia Digital Signature Act. Code of Virginia, §§59.1-467 et seq.

House Bill No. 822. Consists of purposes, construction and definitions (§§59.1-467 *et seq.*), licensing and regulation of certification authorities (§§59.1-471 *et seq.*), duties of certification authority and subscriber (§§59.1-478 *et seq.*), effect of a digitized signature (§§59.1-487 *et seq.*), division services and recognized repositories (§§59.1-501 *et seq.*). Structurally similar to Utah act, but but there are differences in coverage, application and terminology.

Washington Electronic Authentication Act. Revised Code of Washington, §§19-101 et seq.

Added by Laws of 1996, Chapter 250 (Engrossed Senate Bill 6423), effective January 1, 1998. Consists of interpretations and definitions (§§19-101 *et seq.*), licensing and regulation of certificate authorities (§§19-201 *et seq.*), duties of certification authorities and subscribers (§§19-301 *et seq.*), effect of a digital signature (§§19-401 *et seq.*), repositories (§§19-501 *et seq.*). The Secretary of State has rule-making authority. Substantially similar in structure and content to Utah act.

COURT RULES

Advisory Committee on Appellate Rules, Committee on Rules of Practice and Procedure, Judicial Conference of the United States. *Preliminary Draft of Proposed Amendments to the Federal Rules of Appellate Procedure, 1994.*

The Advisory Committee approved amendments to Rule 25, "Filing and Service," at its April 25-26, 1994 meetings. Proposed rule 25(a)(2)(D), "Electronic Filing," states that "a court of appeals may, by local rule, permit papers to be filed or signed by electronic means, provided such means are consistent with technical standards, if any, established by the Judicial Conference of the United States. A paper filed by electronic means in accordance with this rule constitutes a written paper for the purpose of applying these rules."

Advisory Committee on Bankruptcy Rules, Committee on Rules of Practice and Procedure, Judicial Conference of the United States. *Preliminary Draft of Proposed Amendments to the Federal Rules of Bankruptcy Procedure, 1994.*

The Advisory Committee approved amendments to Rules 5005(a), "Filing and Transmittal of Papers," and 8008, "Filing and Service," which were forwarded to the Committee on Rules of Practice and Procedure on May 14, 1994. Proposed rule 5005(a)(2), "Filing by Electronic Means," states that "a court by local rule may permit documents to be filed, signed, or verified by electronic means, provided such means are consistent with technical standards, if any, established by the Judicial Conference of the United States. A document filed by electronic means in accordance with this rule constitutes a written paper for the purpose of applying these rules, the Federal Rules of Civil Procedure made applicable by these rules, and §107 of the code." Proposed rule 8008(a) states in part that "Rule 5005(a)(2) applies to papers filed with the clerk of the district court or the clerk of the bankruptcy appellate panel if filing by electronic means is authorized by local rule promulgated pursuant to Rule 8018." The committee note states that reduction in the extensive volume of paper received and maintained in the clerk's office is an important benefit of

electronic filing. By providing for local rule adherence to Judicial Conference adopted technology standards, the committee intended to relieve Congress and the Supreme Court of the need to review technical standards, and to accommodate rapid advances in computer technology. The committee anticipated the Judicial Conference would set technical specifications for formatting, speed of transmission, means to transmit supporting documents, security, proper maintenance and integrity of the record, and access and retrieval.

Alaska Civil Rules, Rule 69. Execution.

Rule 69(h) authorizes the administrative director to adopt procedures for executing on State Permanent Fund dividends, and serving writs and notices, by electronic means, to satisfy judgments in criminal and minor offense cases and judgments in other cases in favor of the state.

Arizona Rules of Civil Procedure, Rule 79. Records Kept by Clerk and Entries Therein.

Rule 79(f) permits computer-recorded or computer-generated documents to satisfy the requirements of Rule 79, with certain exceptions related to civil orders, and provided that adequate safeguards for preservation and integrity are employed and that reasonable public access is afforded.

Arizona Rules of the Supreme Court, Rule 29. Court Records.

Rule 29(B)(2) requires that for case file records which must be maintained permanently, an electronic reproduction or image of the original record must be “maintained in a place and manner as will reasonably assure its permanent preservation.”

Arkansas Rules of Civil Procedure, Rule 5. Service and Filing of Pleadings and Other Papers.

Rule 5(b) states that “where service is permitted upon an attorney under this rule, such service may be effected by electronic transmission, provided that the attorney being served has facilities within his office to receive and reproduce verbatim electronic transmissions.” A Reporter’s Note added for this 1989 amendment to Rule 5 indicates the amendment was to make clear that service was permitted by fax machine, consistent with legislation permitting court clerks to accept fax filing of pleadings.

Delaware Superior Court Civil Rules, Interim Rule 79.1. Complex Litigation Automated Docket.

Rules for the pilot Complex Litigation Automated Docket (CLAD) program. Assigns specific cases to the program, sets one-time assessments for the fund needed to operate CLAD, sets guidelines for use of passwords, and states that utilization of a password to file a pleading constitutes a signature of the password holder.

Federal Rules of Appellate Procedure, Rule 25(a). Filing and Service.

Federal appellate rule 25(a) states in part that “a court of appeals may, by local rule, permit papers to be filed by facsimile or other electronic means, provided such means are authorized by and consistent with standards established by the Judicial Conference of the United States.”

Federal Rules of Civil Procedure, Rule 5(e). Filing With the Court Defined.

Federal rule 5(e) states in part that “a court may, by local rule, permit papers to be filed by facsimile or other electronic means if such means are authorized by and consistent with standards established by the Judicial Conference of the United States.”

In re: Pilot Program for Complex Litigation Automated Docket. United States Bankruptcy Court, Southern District of New York, General Order M-134 (July 20, 1994).

General Order M-134 assigned the *In re R.H. Macy & Co.* litigation to participate in the CLAD pilot program, and established Administrative Procedures for Electronically Filed Cases (CLAD Procedures). The General Order and CLAD Procedures appear as Appendix G to the Local Bankruptcy Rules, United States Bankruptcy Court, Southern District of New York. The CLAD Procedures establish CLAD Bulletin Board Service and CLAD private database registration requirements, requirements and fees for electronic filing and service of documents, conventional filings, technical requirements, and availability of and public access to the CLAD BBS, private database, and documents.

Maryland Rules of Procedure, Rule 1-322. Filing of Pleadings and Other Papers.

Rule 1-322(a) states in part that "no filing of a pleading or paper may be made by transmitting it directly to the court by electronic transmission, except pursuant to an electronic filing system approved under Rule 1217A."

Maryland Rules of Procedure, Rule 1217A. Electronic Filing of Pleadings and Papers.

Rule 1217A states in part that "a pleading or paper may not be filed by direct electronic transmission to the court except in accordance with this rule." The rule requires a county administrative judge to submit detailed plans for an electronic filing pilot project to the state court administrator, and establishes a review process. Review considerations include compatibility with data processing and operational systems used or anticipated by the administrative office of courts and circuit courts, financial and operational burdens imposed, whether the proposed system is reasonably available for use by litigants at a reasonable cost, effectiveness of the system, and disposition of the system following conclusion of the pilot project. Approval, by Court of Appeals order, is for a 2-year period, unless extended by subsequent order.

Montana Rules of Civil Procedure, Rule 5(e). Filing With the Court Defined.

Rule 5(e) states in part that "papers may be filed by facsimile or other electronic means, provided the original document must be filed with the clerk within five business days of the receipt of the facsimile copy or the filing will be treated as void." This is an example of a simple and straightforward rule governing filing of documents by electronic means, while still also providing for filing of the "original" document.

Ohio Rules of Civil Procedure, Rule 5(E). Filing With the Court Defined.

Rule 5(E) permits courts to promulgate local rules providing for filing of pleadings and other papers by electronic means. The rule states that “any signature on electronically transmitted pleadings or papers shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the pleadings or papers were transmitted without authority, the court shall order the filing stricken.”

Report of the Judicial Conference Committee on Rules of Practice and Procedure: Preliminary Draft of Proposed Amendments to the Rules of Civil Procedure, 1994.

The Committee, and the Advisory Committee on Civil Rules, approved amendments to Rule 5(e), "Filing With the Court Defined," as a result of its June 23-24, 1994 meetings. Proposed rule 5(e) states in part that "a court may, by local rule, permit documents to be filed, signed, or verified by electronic means, which must be consistent with any technical standards that the Judicial Conference of the United States may establish. An electronic filing under this rule has the same effect as a written filing." The committee note states that technical standards set by the Judicial Conference can provide national uniformity, and would be speedier and more flexible than Judicial Conference review and adjustment of local rules. The committee also notes that while the amended rule would accommodate facsimile filings, "the time has come for more efficient and direct electronic means."

Washington Court Rules Annotated, 2nd ed. Judicial Information System Committee Rules. Rochester, NY: Lawyers Cooperative Pub., 1995. KFW 529 .A2 1995

Rules adopted by Supreme Court of Washington to govern the statewide Judicial Information System. The rules cover such matters as communications links with other systems, attorney identification numbers, security and privacy, and data dissemination of computer-based court information.

West's Pennsylvania Rules of Court. Clerk's Office Procedure Handbook for the Eastern District of Pennsylvania. Part XL, Electronic Filing and Retrieval of Documents. St. Paul: West Publishing Co., 1996.

Part 40 of the Handbook states that the Federal District Court, Eastern District of Pennsylvania, will accept electronic filing of all civil documents, including complaints, notices of removal and notices of appeals. Electronic filings are in lieu of paper submissions; this section specifically states that attorneys should not submit the same documents in paper form if filing electronically. Attorneys must submit an application to the clerk's office, and submit one original signature document with a Signature Document Authorization Statement, authorizing the clerk to append the signature document to any electronic submission. Filings are via 2400bps modem, in ASCII, XMODEM, or WordPerfect 5.0. There are appendices for the application form, directory of automated services, and application for PACER access.

Wisconsin Supreme Court Rules, Rule 72.05. Retention of Court Records Maintained as Official or Original Information on Electronic or Optical Storage Systems.

Specifies the court records and time periods for retention in custody as official or original information, and sets requirements for systems maintaining such records in electronic or optical form.

MODEL LAWS, GUIDELINES & AGREEMENTS

AO VAN Trading Partner Agreement. Washington, DC: Administrative Office of the U.S. Courts, 1995. <<http://www.ncsc.dni.us/jeddi/bankrupt.htm>>

A draft trading partner agreement defining the terms and conditions for electronic bankruptcy noticing. The draft was available for public comments ending November 20, 1995, and is specific

to the initial experiment, including use of a specific value-added network (VAN). The agreement is between the court (sender) and a subscriber (receiver), and is intended to be the written request referred to in Federal Rules of Bankruptcy Procedure, Rule 9036. The agreement addressed scope, authorizations, third-party services (Advantis, the VAN service provider), confirmations and acknowledgements, system failure, transaction security, redundant operation, and general contract clauses.

“Commercial Use of Electronic Data Interchange: A Report and Model Trading Partner Agreement.” 45 *Business Lawyer* 1645 (1990).

This report, by the Electronic Messaging Services Task Force formed by the ABA's Committee on the Uniform Commercial Code, Ad Hoc Subcommittee on Scope of the U.C.C., is an extensive study of commercial uses of EDI and electronic messaging. The study revealed that most EDI activity occurs without written agreements between trading partners, that small to mid-size businesses tend to require paper documents as confirmation of the content of EDI transmissions, and that EDI agreements (based on the forty agreements reviewed and additional discussions with EDI users) vary widely in terms, length and sophistication. The study also revealed that with the exception of statute of frauds issues, few agreements seriously considered applicability of other U.C.C., that most agreements tended to be unilateral, and that conventional sales agreement terminology tended to be replaced by EDI-specific, technical terminology. The bulk of the report is an analysis of existing commercial practices with regard to EDI; a discussion of the legal issues presented by EDI practices (and how the model agreement addresses such issues as receipt and verification, offer and acceptance, transmission problems, statute of frauds, proof, terms and conditions, liability and damages, and arbitration); and a discussion of the commercial issues presented by EDI (and how the model agreement addresses such issues as standards, documents, service providers, systems operation, security, and confidentiality). The model agreement developed as a result of the study is intended to be a self-sufficient tool for attorneys drafting EDI commercial transaction agreements, identifying the issues in EDI transactions and suggesting uniform drafting approaches to address those issues.

Digital Signatures Guidelines. Chicago: American Bar Association, Section of Science and Technology Information Security Committee, 1995.

The ABA Guidelines essentially establish the interrelated legal duties of certification authorities, subscribers, and recipients of digital signatures. These duties, described as extensions to or elaborations of traditional legal doctrines of contract and intentional or negligent misrepresentation of fact, are intended to provide a clearly secure computer-based signature equivalent, across varying legal settings, as a means of securing information as it passes through open networks. The cited version includes extensive comments interpreting the guidelines, and discussing technical and legal standards; references to state laws (including the Utah and California acts); and references to other model laws and guidelines. The ABA Guidelines have not been approved or endorsed by the ABA; the version cited here preceded final guidelines issued at the August 1996 ABA annual conference.

Draft Model Law on Electronic Commerce. United Nations Commission on International Trade Law (UNCITRAL), Working Group on Electronic Data Interchange, 1996.

<<http://www.tufts.edu/departments/fletcher/multi/texts/uni.txt>>

This is an unofficial version, made available with the permission of UNCITRAL, of the Draft Model Law, adopted at the 29th session of UNCITRAL; the text remains subject to editing. Part One of the Model Law covers general provisions (sphere of application, definitions, interpretation); application of legal requirements to data messages (variation by agreement, legal recognition of data messages, writing, signature, original, admissibility and evidential weight of

data messages, and retention of data messages); and communication of data messages (formation and validity of contracts, recognition by parties of data messages, attribution of data messages, acknowledgement of receipt, and time and place of dispatch and receipt of data messages). Regarding "signatures" (Article 7), the Model Law states that where law requires a signature, the requirement is met as to a data message if "a method is used to identify that person and to indicate that person's approval of the information contained in the data message," and the method is "as reliable as was appropriate for the purpose for which the data message was generated or communicated" in light of all the circumstances and any relevant agreement. Article 10, regarding retention, states in part that where the law requires retention of documents, records or information, the requirement is met by retaining data messages if the information therein is accessible, the message is retained in the format in which it was generated, sent, received, or which can be demonstrated to accurately represent the information, and information identifying the origin and destination of the message and date and time of its sending or receipt is retained. Time of dispatch is defined in part as the time the message enters an information system outside the control of the originator; time of receipt is defined in part as the time the message enters the addressee's information system. Part Two of the Model Law covers electronic commerce in specific areas (e.g. carriage of goods). There are no comments or explanatory provisions included with the draft.

Koenig, Susan R., Frederick G. Miller, and Frederick M. Russillo. *Model Court Rules for the Use of Facsimile Technology by State Courts*. Williamsburg: [National Center for State Courts](#), 1992. KF 8733 .Z95K63 1992

This pamphlet describes the reasons behind why courts are allowing the use of filing by fax and the use of facsimile machines. Outlines the benefits and describes why lawyers are interested in utilizing this technology. The second half of the book discusses the way many courts are using this technology and the rules and procedures that they have adopted to regulate the use of this media. The rules and procedures could be adapted to the new technologies and issues regarding the electronic filing of documents via computer.

"Model Electronic Data Interchange Trading Partner Agreement and Commentary."
(Focus on EDI) 4 *Software Law Journal* 179 (April 1991).

This article provides the reader with a copy of the model EDI agreement created by the Electronic Messaging Task Force of the ABA. This agreement is designed to be used as an example by attorneys creating EDI contracts. There is a brief background on EDI and description of how the agreement should be used. The agreement covers many areas of EDI including third party service providers, electronic transmissions, verification of documents, enforceability, and arbitration of disputes. Each section of the agreement is followed by commentary and drafting considerations. A useful article for anyone considering writing such a document.

"Model Electronic Payments Agreement and Commentary (For Domestic Credit Transfers)." 32 *Jurimetrics Journal of Law, Science and Technology* 601 (1992).

The model agreement was prepared by the American Bar Association's Section of Science and Technology, EDI and Information Technology Division, as a guide to establishing financial electronic data interchange payment relationships between trading partners. The agreement establishes the terms and conditions by which an originator may satisfy obligations to pay a beneficiary by making payment in electronic form. The agreement covers payment and remittance procedures; timing; discharge of payment obligations; receipt, acknowledgement and verification; security; confidentiality; liability. Transaction sets formats are covered in the appendix. The model agreement has not been approved or endorsed by the ABA or by the Section of Science and Technology (or its divisions).

Model Funds Transfer Services Agreement. Chicago: American Bar Association, Business Law Section, Working Group on Electronic Financial Services, Subcommittee on Electronic Commercial Practices, Uniform Commercial Code Committee, 1994. KF 1030 .E2M64 1994

The model agreement is intended to assist attorneys in counseling clients who wish to establish funds transfer arrangements by identifying key issues to address and suggested responses to those issues, and was developed following approval of U.C.C. Article 4A, Funds Transfers (since adopted in 49 states and the District of Columbia, and incorporated in federal and banking system regulations). The model agreement applies to domestic credit transfers between banks and commercial parties (rather than funds transfers originated by consumers). While Article 4A does not mandate funds transfer agreements, certain of its provisions require implementation by agreement, Article 4A itself contemplates that some of its provisions may be varied by the parties, and some banks in practice require agreements. Part 1 of the model agreement is an introduction to funds transfers and Article 4A. Part 2 consists of the model agreement clauses and commentary to the provisions: funds transfer services requirements, fees and costs, recording and use of communications, customer indemnity, limitations of liability, choice of law, evidence of authorization, and general terms. Part 3 is an addendum, intended to set out bank/customer agreement terms that may be expected to change over time, or that require confidential treatment. Included in the addendum are examples of security procedure statements.

Revised Draft Model Statutory Provisions on the Legal Aspects of Electronic Data Interchange (EDI) and Related Means of Data Communication: Articles 1 to 10. United Nations Commission on International Trade Law (UNCITRAL), Working Group on Electronic Data Interchange, 1994.

<http://itl.irv.uit.no/trade_law/doc/UN.Electronic.Commerce.Model.Law.1996.html>

This model law covers general provisions (sphere of application, definitions, interpretation, variation); form requirements (functional equivalents of writings, signatures and originals, and admissibility and evidentiary value of data); and communication (effectiveness) of data. Although referred to as "uniform rules," the Working Group considered the draft to be "core" statutory provisions, which would not necessarily be incorporated together in a single statutory section. Liabilities of service providers and encryption issues were left for development by other bodies. There are no comments or explanatory provisions included with the draft.

SELECTED TECHNOLOGY STANDARDS

ANSI X9.30.1-1995: Public Key Cryptography Using Irreversible Algorithms for the Financial Services Industry - Part 1: The Digital Signature Algorithms (DSA). American National Standards Institute, 1995.

The X9.30 standard describes digital signature and key management techniques supporting both digital signatures and distribution of symmetric cryptosystem keys, for the financial services industry. X9.30 Part 1 is a specification for the Digital Signature Algorithm (DSA) and corresponds to the FIPS Publication 186. As an irreversible public key scheme, it can be used for authentication (but not for encrypting data), where verifying the source of the message is critical, as with financial or business documents; a recipient uses the message originator's public key,

controlled by a trusted third party, to verify origination, and does not know the originator's private key used to encrypt the message.

ANSI X9.30.2-1993: Public Key Cryptography - Part 2. American National Standards Institute, 1993.

X9.30 Part 2 is a specification for the Secure Hash Standard (SHA), and corresponds to FIPS publication 180. The hash function is used to generate, from the actual message to be sent, a message digest, which can then be encrypted, to create an appendix, which is transmitted with the actual message. On the recipient end, the message digest is recomputed and the appendix is decrypted; if the digest and appendix match, the recipient would know the message originator knew the encryption key and that the actual message was not altered in transmission. SHA is a more powerful adaptation of the Internet RFC's for MD2 or MD4 hash functions, as it generates a longer output.

ANSI X9.31-199X: Public Key Cryptography using Reversible Algorithms for the Financial Services Industry. American Bankers Association & American National Standards Institute, 1993.

The X9.31 draft standard is an RSA based digital signature algorithm alternative to the DSA based X9.30 standards while addressing similar requirements. RSA, as a reversible public-key cryptosystem, can be used in both encryption and authentication modes, and is currently used in digital signature, key management and authentication applications. The RSA algorithm is described as well in the OSI Directory Authentication Framework.

ANSI X12.175: Court Notice Transaction Set. American National Standards Institute.

ANSI X12.176: Bankruptcy Proof of Claim Transaction Set. American National Standards Institute.

CCITT Recommendation X.435, Message Handling Systems - Electronic Data Interchange Messaging System. International Telecommunication Union (formerly Consultative Committee on International Telephony and Telegraphy), 1991.

Recommendation X.435 is part of the Message Handling Systems (MHS) X400 series of international standards for e-mail and store-and-forward messaging applications, including electronic data interchange (EDI). X.435 extends MHS to support EDI messages, EDI notifications, and EDI security requirements which are greater than general interpersonal messaging security requirements. The EDI message is in an EDI interchange format such as ANSI X12 or EDIFACT for exchange between EDI applications. MHS EDI security services may include content integrity and authentication services such as proof of EDI notification; proof of content received; non-repudiation of notification, content received and content originated; proof and non-repudiation of retrieval. The EDI interchange format may provide its own internal security mechanisms as well.

CCITT Recommendation X.509, Information Technology - Open Systems Interconnection - The Directory: Authentication Framework. International Telecommunication Union (formerly Consultative Committee on International Telephony and Telegraphy), 1993.

Recommendation X.509 is part of the OSI Directory X.500 series of standards for distributed directory services for networks. X.509 was developed to provide public-key based authentication

standards for the potentially global Directory, and to provide a means of using the Directory for public-key certificate distribution. The Recommendation provides for simple authentication (password and distinguished name based) and strong authentication (public-key cryptology based) methods. X509 defines and specifies public-key certificates and certificate management, and specifies use of appendix based digital signature and hash functions. X509 also provides for basic and simplified access control schemes for information contained in the Directory, identifying entries controlled, classes of users, permissions, and authentications.

Federal Information Processing Standards Publication 186: Digital Signature Standard (DSS). Washington, DC: National Institute of Standards and Technology, 1994.

<<http://csrc.nsl.nist.gov/fips/fips186.txt>>

Federal Information Processing Standards (FIPS) Publications are the official National Institute of Standards and Technology (NIST) series of standards and guidelines adopted and promulgated under the Federal Property and Administrative Services Act of 1949, §111(d), as amended by the Computer Security Act of 1987, PL 100-235. FIPS Publication 186 specifies a Digital Signature Algorithm (DSA) which can be used to generate a digital signature, used to detect unauthorized modifications to data and to authenticate the identity of the signatory. The recipient of signed data can also use a digital signature in proving to a third party that the signature was in fact generated by the signatory. The standard is applicable to all Federal departments and agencies for the protection of unclassified information not subject to 10 U.S.C. §2315 or 44 U.S.C. §3502(2), and is to be used in designing and implementing public-key based signature systems for Federal departments and agencies. The DSA digital signature specified is a pair of large numbers represented in a computer as strings of binary digits, computed using a set of rules (the DSA) and a set of parameters to verify the identity of the signatory and integrity of the data. Signature generation makes use of a private key to generate a digital signature; signature verification makes use of a public key which corresponds to, but is not the same as, the private key. Each user possesses a private and public key pair. Public keys are assumed to be known to the public in general, while private keys are never shared. Anyone can verify the signature of a user by employing that user's public key, but signature generation can be performed only by the possessor of the user's private key. A hash function is used in the signature generation process to obtain a condensed version of data, called a message digest, and must also be used in the verification process. The message digest is then input to the DSA to generate the digital signature. The digital signature is sent to the intended verifier along with the signed data (the message). The verifier of the message and signature verifies the signature by using the sender's public key. There are cross references to related standards, including the Secure Hash Standard (FIPS 180).

Federal Information Processing Standards Publication 161-2: Electronic Data Interchange (EDI). Washington, DC: National Institute of Standards and Technology, 1996. <<http://www.nist.gov/itl/div897/pubs/fip161-2.htm>>

Federal Information Processing Standards (FIPS) Publication 161-2 adopts the ANSI X12 and UN/ECE/WP.4 EDIFACT standards for implementation of EDI systems within the federal government. FIPS PUB 161-2 does not mandate use of EDI, but requires implementation of these standards if federal agencies do implement EDI systems, and is intended to promote the benefits, and minimize the costs, of EDI by use of standards. The publication describes related FIPS publications and other documents (including the CCITT X400 recommendations), and the source publications for the two relevant standards. Certain conditions and implementation schedules for federal agency adoption of the standards are set out. An unofficial version is also available at <http://www.antd.nist.gov/fededi/161-2.html>.

Request for Comments 1421, Privacy Enhancement for Internet Electronic Mail: Part I: Message Encryption and Authentication Procedures. Internet Architecture Board,

Network Working Group, 1993. <<http://info.internet.isi.edu:80/in-notes/rfc/files/rfc1421.txt>>

RFCs 1421-1423 resulted from a series of meetings of the Privacy and Security Research Group (PSRG) of the Internet Research Task Force (IRTF) and the Privacy Enhanced Mail (PEM) Working Group of the Internet Engineering Task Force (IETF). RFC 1421 defines message encryption and authentication procedures, in order to provide PEM services for electronic mail transfer in the Internet, and is intended to be one of a related set of four RFCs, 1421-1424. The procedures defined in RFC 1421 are intended to be compatible with a wide range of key management, including both symmetric (secret-key) and asymmetric (public-key) approaches for encryption of data encrypting keys. RFC 1421 uses some terms defined in the OSI X.400 Message Handling System Model (CCITT Recommendations). Privacy enhancement services (confidentiality, authentication, message integrity assurance, and non-repudiation of origin) are offered through the use of end-to-end cryptography between originator and recipient processes at or above the "User Agent" level, with no special processing requirements on the Message Transfer System at endpoints or at intermediate relay sites. This approach allows privacy enhancement facilities to be incorporated selectively on a site-by-site or user-by-user basis without impact on other Internet entities.

Request for Comments 1422, Privacy Enhancement for Internet Electronic Mail: Part II: Certificate-Based Key Management. Internet Architecture Board, Network Working Group, 1993. <<http://info.internet.isi.edu:80/in-notes/rfc/files/rfc1422.txt>>

RFC 1422 defines a key management architecture and infrastructure based on the use of public-key certificate techniques, in support of the message encipherment and authentication procedures defined in RFC 1421, compatible with the concept of public-key certificates and authentication framework described in CCITT 1988 X.509. RFC 1422 goes beyond X.509 by establishing procedures and conventions for a key management infrastructure for use with PEM, and with other protocols, from both the TCP/IP and OSI suites, in the future. Goals are to accommodate a range of clearly-articulated certification policies for both users and organizations; and procedures for simple, automated and uniform authentication of originators and recipients in the course of message submission and delivery, despite the existence of differing certificate management policies. The RFC notes that public key cryptosystems are central to the authentication technology of X.509, and although this scheme is compatible with the use of different digital signature algorithms, it is anticipated that the RSA cryptosystem will be used as the primary signature algorithm in establishing the Internet certification hierarchy.

Request for Comments 1423, Privacy Enhancement for Internet Electronic Mail: Part III: Algorithms, Modes, and Identifiers. Internet Architecture Board, Network Working Group, 1993. <<http://info.internet.isi.edu:80/in-notes/rfc/files/rfc1423.txt>>

RFC 1423 provides definitions, formats, references, and citations for cryptographic algorithms, usage modes, and associated identifiers and parameters used in support of PEM in the Internet community. The document is organized into four primary sections, dealing with message encryption algorithms (DES in CBC Mode [DES-CBC]), message integrity check algorithms (RSA-MD2 and RSA-MD5 Message Digest Algorithms), symmetric key management algorithms (DES in ECB mode [DES-ECB] and DES in EDE mode [DES-EDE]), and asymmetric key management algorithms (RSA asymmetric keys, RSA Encryption asymmetric encryption algorithms, MD2 with RSA encryption asymmetric signature algorithms).

Request for Comments 1424, Privacy Enhancement for Internet Electronic Mail: Part IV: Key Certification and Related Services. Internet Architecture Board, Network Working Group, 1993. <<http://info.internet.isi.edu:80/in-notes/rfc/files/rfc1424.txt>>

RFC 1424 is also a product of the PEM Working Group, and a result of discussions at RSA Data Security and Trusted Information Systems. RFC 1424 describes three types of services required of an RFC 1422 certification authority in support of Internet PEM: key certification, certificate-revocation list (CRL) storage, and CRL retrieval (services such as certificate revocation and certificate retrieval are left to certification authorities to define). Each service involves an electronic-mail request and reply. The key-certification service takes a certification request, signs a certificate constructed from the request, and returns a certification reply containing the new certificate. The CRL storage service takes a CRL-storage request specifying the CRLs to be stored, stores the CRLs, and returns a CRL-storage reply acknowledging the request. The CRL retrieval service takes a CRL-retrieval request, retrieves the latest CRLs the request specifies, and returns a CRL-retrieval reply containing the CRLs.

United Nations Rules for Electronic Data Interchange for Administration, Commerce and Transport [UN/EDIFACT]. Working Party on Facilitation of International Trade Procedures, United Nations Economic Commission for Europe, 1987. <<http://www.unicc.org/unece/trade/untdid/texts/unredi.htm>>

This is the UN/EDIFACT user application protocol for data interchange compatible with the Open Systems Interconnection (OSI) model. It appears as part 4 of the United Nations Trade Data Interchange Directory (UNTDID), and covers United Nations Standard Message Types (UNSMs), and UN/EDIFACT syntax rules (ISO 9735), syntax implementation guidelines, and message design guidelines.

ELECTRONIC DATA INTERCHANGE, ELECTRONIC COMMERCE & THE LAW

Baker, Donald I., and Roland E. Brandel. *Law of Electronic Fund Transfer Systems*, 2nd ed. Boston: Warren, Gorham & Lamont, 1988.

This comprehensive overview on the laws and regulations concerning the electronic transfer of money is broken down into six sections. The first section begins with a history of electronic funds and then goes on to discuss the technological developments that have occurred and how these changes have effected different types of transactions. The next section discusses the laws at both the federal and state level that regulate the electronic fund industry. Different types of laws are describes, such as those governing credit cards and the Uniform Commercial Code. The remaining sections cover such topics as competition and antitrust concerns, bank investment services regulations, and the international effects of these transactions. This in-depth book is not designed for the average user, but rather is aimed at the serious student of commercial banking law.

Baum, Michael, and Henry H. Perritt, Jr. *Electronic Contracting, Publishing and EDI Law*. New York: John Wiley & Sons, 1991.

Boss, Amelia H. "Electronic Data Interchange Agreements: Private Contracting Toward a Global Environment." 13 *Northwestern Journal of International Law & Business* 31 (1992).

The author, a co-reporter for the ABA's *Model Electronic Data Interchange Trading Partner Agreement* project, surveys the development and coverage of interchange, or trading partner, agreements in the international commercial arena. Such agreements, which structure the electronic communications relationship between parties, are contrasted with network or service agreements (governing the relationship between users and third party service providers) and interconnect agreements (governing relationships between third party providers), for which no model agreements have been developed. The author examines the agreements' coverage of business issues (technical standards, formats and systems; acknowledgement and verification; third party providers; record storage and audit trails; authentication; security; confidentiality; and data protection) and legal issues (writing, signing and document requirements; evidentiary value of messages; liability for communication failures or errors; contract formation; contract terms and conditions; and dispute resolution mechanisms). There are extensive references to model agreements and source documents.

Budnitz, Mark E. "Electronic Money in the 1990s: A Net Benefit or Merely a Trade-off?" (Symposium: Consumer Financial Services Law in the 1990s) 9 *Georgia State University Law Review* 747 (1993).

This article discusses electronic fund transfer systems, including electronic payments, and electronic benefit transfers (EBT). The author discusses the benefits and costs of EBT, and raises serious issues regarding government's abilities to use EBT in a cost-effective manner, promote its use among intended beneficiaries, and make it use attractive to the private sector in order to develop the private sector partnerships that will be needed.

Crawford, Bradley. "Strategic Legal Planning for EDI." 16 *Canadian Business Law Journal* 66 (December 1989).

This article addresses strategic objectives for implementing EDI, in the context of Canadian businesses. The author believes businesses should be negotiating and reaching master EDI agreements governing their legal relations with significant EDI partners. Such agreements should comprise two parts: one dealing with traditional business issues covered in standard form documents, and one dealing with specific EDI issues. The first involves such considerations as the consequences of late delivery, assignment of risk via exculpatory clauses in standard business agreements, and use of alternative dispute resolution. The second part involves the novel legal issues raised by EDI: creating the electronic messaging paths, maintenance of the efficiency of these paths, reliability and legal effect of EDI messages, and audit and evidentiary value of EDI messages.

DiPaolo, Sharon F. "The Application of the Uniform Commercial Code Section 2-201 Statute of Frauds to Electronic Commerce." 13 *Journal of Law and Commerce* 143 (1993).

This article is an examination of EDI in the context of the statute of frauds, an issue the author describes as the most frequently cited adaptability problem for EDI, and the issue most frequently addressed issue in the forty EDI trading agreements studied by the ABA's Electronic Messaging Services Task Force. Because EDI technology is relatively new, and US corporations tend to implement EDI agreements with their most valued customers, there has been very little litigation and case law. The author discusses modern trends as to the writing and signature requirements of

the UCC statute of frauds provisions, and concludes that EDI will satisfy the writing requirement; and while electronic authentication methods will also satisfy the signature requirements, pre-transaction agreements between trading parties addressing authentication method, evidentiary value, and acceptable form and duration of physical storage will be important factors.

Dzeiewit, H.S., J.M. Graziano, and C.J. Daley. "The Quest for the Paperless Office - Electronic Contracting: State of the Art Possibility but Legal Impossibility?" 5 *Computer & High Technology Law Journal* 75 (1989).

This article begins by discussing the legal ramifications and problems surrounding the acceptance of an electronic contract and provides examples of how businesses are currently using this format. Outlines the requirements of a legal contract under the U.C.C. and explores the changes that will need to occur to encompass the new technology. Describes the steps necessary to prove the authenticity of the document and discusses the supporting hardware needed to accomplish this task. Outlines the safeguards of the system and explores the overall feasibility of electronic contracts in the legal realm.

Fry, Patricia Blumfield. "X Marks the Spot: New Technologies Compel New Concepts for Commercial Law." 26 *Loyola of Los Angeles Law Review* 607 (1993).

Discusses in detail the problems inherent in trying to convert from a paper to a electronic format for electronic commerce and legal documents. Explores how the existing laws and regulations will need to be modified to effectively cover the new technologies. In specific the implications and effect on the Uniform Commercial Code are presented and evaluated.

Harris, Blake. "Electronic UCC Filing Faster and Cheaper." 8 *Government Technology* 1 (June 1995).

This article discusses EDI as a solution to the enormous volume of paper-based UCC Article 9 filings: 7 million original financing statements annually; 4 million amendments and other changes annually; 35 million active financing statements in effect at any given time. A key development is adoption of the ANSI X12 transaction set 154 as an EDI standard, addressing the differences in filing requirements from state to state. The article discusses the UCC/EDI Initiative organized by the Article Nine Filing Project at the University of Minnesota Law School, which is implementing a UCC/EDI filing system in Texas, in conjunction with UCC service providers and the Texas secretary of state.

Hill, Richard, and Ian Walden. "The Draft UNCITRAL Model Law for Electronic Commerce: Issues and Solutions." 13 *Computer Lawyer* 18 (March 1996).

The Model Law was expected to be finalized and approved by UNCITRAL in June 1996. This article provides an overview of the draft Model Law, which is intended as a common basis for modification of national laws to address well-known electronic commerce issues. The article discusses the Model Law's treatment of three common issues in electronic commerce: whether an electronic transmission constitutes a writing, where a writing is required; what constitutes a signature in an electronic transmission; and whether electronic transmissions are admissible as evidence. The authors note that the Model Law includes no sweeping declaration that an electronic transmission is a writing, and does not impose specific signature techniques, and note that the recent California digital signature legislation relies on a similar technology-neutral approach, in contrast to Utah's recent adoption of public-key encryption and certification standards. While the Model Law creates some uncertainties as to distinctions between authentication and integrity functions of electronic signatures, and in its criteria for assessing integrity, the authors conclude

that the Model Law is a pragmatic approach that fits well with both current commercial practices and the views of leading authorities in the field.

King, Kristin. "Electronic Commerce: Can Digital Money Replace Paper Money?" *NetWare Connection* 20 (May 1996).

This article provides an overview of the different payment methods and networks for electronic commercial transactions. The author discusses the security and authentication approaches and standards, and relative benefits of American Online, AT&T NetWare Connect Services (ANWCS), CompuServe, Netscape, Prodigy, and Spry Mosaic. The article concludes with descriptions of digital payment systems relying on electronic credit card transactions, electronic checks, electronic cash, and digital "smart cards." A sidebar provides a good overview of the NetWare 4 based ANWCS RSA / GQ authentication scheme.

Kozolchyk, Boris. "The Paperless Letter of Credit and Related Documents of Title." (Technology and Commercial Law) 55 *Law and Contemporary Problems* 39 (1992).

This article begins by discussing the problems of multi-national business transactions and the prohibitive costs of doing business the old way using faxes and express mail. The benefits of Electronic Data Interchange are outlined and there is a brief discussion of the problems involved. The article takes one example of EDI, SWIFT -a banking telecommunications network's letter of credit transactions, and describes in detail how they were implemented and the rules that they follow. The security devices, problems encountered with the system, and regulatory issues are described. There is also a fairly comprehensive section on paperless receipts and title documents.

LoPucki, Lynn M., "Computerization of the Article 9 Filing System: Thoughts on Building the Electronic Highway." (Technology and Commercial Law) 55 *Law and Contemporary Problems* 5 (Summer 1992).

This article starts by outlining the article 9 filing system and the problems inherent within the system such as overly complex filing procedures due to the number of different courts all with differing regulations. LoPucki then goes on to online solutions to some of the current problems and methods in which the system could be improved through the use of more electronic resources. The article concludes by saying that even if improvements are made with the addition of more electronic resources it will not be enough. The entire system will need to be overhauled before it can be effective.

Lynch, Bob. "Electronic Data Interchange: How to Begin." 8 *Government Technology* 40 (June 1995).

A brief article on the benefits and fundamental processes of EDI. The author states that while larger cities and counties are now investigating the use of EDI, state agencies have been deploying EDI in areas such as workers compensation, health care reporting, tax filings, and UCC filings. The benefits are not just paper savings, but improvements in the specific transaction process itself: improved speed of processing; reduced error rates, time delays and labor costs; and reduced inventory and lead times. As EDI has evolved, proprietary standards have given way to public EDI standards, in government mostly based on the X12 standards. The author states that the first step in investigating the use of EDI is to seek out the best applications (time and content critical documents, people and paper intensive tasks, and error prone, time consuming and costly processes). Very general start-up costs and network options are provided.

McKeon, Robert W. Jr. "Electronic Data Interchange: Uses and Legal Aspects in the Commercial Arena." 12 *John Marshall Journal of Computer & Information Law* 511 (1994).

This article provides a brief overview of current commercial use of EDI. The author states that approximately 60% of EDI use is in the manufacturing business, 14% in wholesale trade, 8% in transport and utilities, 8% in the retail sector, and the remainder in other areas; over 80% of EDI partners use third party service providers. The article discusses the major evidentiary problems posed by EDI - proving an electronic message is from the party it purports to come, proving the content of the message, and reducing the possibility of deliberate and inadvertent alterations - as they relate to rules of authenticity and trustworthiness, hearsay, best evidence, statute of frauds, and parole evidence.

Miller, Brian. "Southern States Forge EBT Alliance." 8 *Government Technology* 1 (June 1995).

This article describes the process and negotiations leading to a partnership between seven southern states and the federal government, designed to deliver food stamp, AFDC benefits, and other government benefits to clients using debit card readers or automatic teller machines. The project will operate across state boundaries, and allow aid recipients to receive benefits from multiple programs using a single card. One outcome of the project is expected to be an estimate of the Regulation E liability of states for stolen, lost or sold cards, an area in which few cost studies or judicial guidelines exist.

Newcombe, Tod. "EDI Cuts Paper." 8 *Government Technology* 1 (June 1995).

A brief overview of state government EDI developments. Despite increased availability of EDI software and competitive value added networks, use of EDI is growing slowly due to state governments' need to retool existing computer systems, redesign manual paper-based systems, and map information in paper documents to EDI formats. The article discusses South Carolina's EDI tax filing system, procurement transaction systems in Fairfax County (VA) and Massachusetts, and the workers' compensation pilot project in Texas. A sidebar lists the major EDI transaction sets relevant to government.

Nicoll, Christopher. "E.D.I. Evidence and the Vienna Convention." *Journal of Business Law* 21 (January 1995).

The author examines the use of EDI in the context of the Vienna Convention's (Vienna Convention of 1980) relaxation of evidentiary standards for international sales contracts. Changes to the rules governing communication of offers and acceptances enable interchanges through value added networks (VANs), facilitating electronic commerce. Chain of evidence issues, particularly as related to form and authentication, may be resolved by cryptology standards. The author discusses the operation of public key encryption, and the RSA and LUC algorithms, and notes that temporal (date-and-time stamping) issues may be resolved by use of intermediary VANs. The author recommends that parties agree in advance upon a contractual framework, based on model trading partner agreements.

Perritt, Henry H., Jr. "Format and Content Standards for the Electronic Exchange of Legal Information". 53 *Jurimetrics Journal* 265 (1993).

This article explains the importance of creating a standard for the transmission of legal information. Perritt makes the point that without a common framework it will become increasingly

difficult for lawyers and people in general to communicate. The increase in the use of technology has both increased the ease of access to information and concurrently made it more difficult to share this information. Different software and hardware technologies have made the development of a standard a necessity. Without such an agreement lawyers will no longer be able to quickly locate the information the opposition is citing. Perritt describes the new technologies in deal and outlines a structure that would allow all users to have easy access to the information.

Reed, Chris. "EDI - Contractual and Liability Issues." (Great Britain) (Special Issue: Electronic Data Interchange) 6 *Computer Law & Practice* 36 (November-December 1989).

The author states that general principles of EDI law are still difficult to set out, and until there is a body of case law, each transaction will have to be examined on its specific facts; and while EDI is now seen as an alternative to common paper-based communications, as the technology develops, new types of transactions having no counterpart in current practice will also develop. The author examines possible areas of tort liability between hardware and software providers and between EDI users, and issues of contractual liability related to contract formation. The article concludes with a discussion of Data Encryption Standard (DES) and RSA cryptology as they may relate to legal requirements of writings and signatures.

Ritter, Jeffrey B. "Defining International Electronic Commerce." (Symposium: Current Issues in Electronic Interchange) 13 *Northwestern Journal of International Law & Business* 3 (1992).

This article begins by discussing the development of electronic commerce and briefly outlines the legal implications of the new format. The components of electronic commerce are described, such as the sales contract. The technology behind this process is discussed as are the roles of the new players in the industry, both private and governmental. Outlines the future of electronic commerce and the impact it is likely to have on the global industry. The author was a co-reporter for the ABA's *Model Electronic Data Interchange Trading Partner Agreement* project.

Walden, Ian. "EDI and the Law: An Introduction." (Great Britain) (Special Issue: Electronic Data Interchange) 6 *Computer Law & Practice* 34 (November-December 1989).

The author notes that in Europe, EDI projects have tended to develop in specific business sectors having common data needs, while in the US, EDI has tended to develop around agreements between large corporations and their best traditional suppliers and customers. Either way the use of EDI spreads, technological and commercial sophistication of users will decline, relationships will become more transitory, EDI will be used in increasing numbers of commercial transactions, and use of open networks rather than proprietary systems will expand. The technical security risks for and potential liabilities of users will increase correspondingly. The author assesses the technical, legal and contractual agreements needed to address these issues: legislative action, technical standards (such as EDIFACT), and contractual agreements between parties.

Wright, Benjamin. *EDI & American Law: A Practical Guide*. Arlington, VA: TDCC Electronic, 1989.

Wright, Benjamin. *The Law of Electronic Commerce: EDI, FAX, and E-mail: Technology, Proof, and Liability*. Boston: Little, Brown & Co., 1991. KF 1357.5 .W753 1991

This book covers a broad range of legal issues in the emerging field of electronic commerce. The book is divided into six sections: an overview of the technologies and applications (EDI, EFT, e-mail, fax, telex, etc.); risks and controls (commercial customs and risk control; trustworthiness of electronic messaging in terms of initiation, transmission accuracy, authentication, and receipt; reliability and preservation of electronic records); evidence (admissibility, authenticity, hearsay in the context of electronic records and messages, best evidence); laws and regulations regarding record-keeping, internal controls and electronic fraud; contract issues (model industry codes and agreements, trading relationships and EDI obligations, statute of frauds, and UCC "battle of the forms"); and legal issues of the network service provider and customer relationship (contract and tort liabilities, privacy, and confidentiality).

Wright, Benjamin. *Legal Issues Impacting EDI*. Arlington, VA: TDCC Electronic, 1988.

DIGITAL SIGNATURES, AUTHENTICATION & SECURITY

Barassi, Theodore Sedgwick. *The Cybernotary: Public Key Registration and Certification and Authentication*, 1995.

<<http://www.abanet.org/scitech/ec/cn/cybernote.html>>

Discusses the difficulty of getting legal documents prepared in the United States accepted as legal in other countries and how the increase in digitally prepare documents is only going to make the situation worse. Discusses the different legal powers of notaries in the United States and abroad and then goes on to describe the increases in this role with the advent of digital signatures. Provides good examples of how users would go about obtaining digital signatures, and what safeguards the notaries would provide. No specific laws are discussed, but this is a good overview of how the system could work if properly regulated.

Baum, Michael S. "Commercially Reasonable Security: A Key to EDI Enforceability." (Great Britain) (Special Issue: Electronic Data Interchange) 6 *Computer Law & Practice* 52 (November-December 1989).

The article covers the basic issues surrounding security and electronic transactions. Discusses how much security is necessary, who is liable if security is breached and what is considered acceptable risk management. Basic security guidelines are presented.

Baum, Michael S. *Federal Certification Authority Liability and Policy: Law and Policy of Certificate-Based Public Key and Digital Signatures*. Gaithersburg, MD: U.S. Department of Commerce, National Institute of Standards and Technology, 1994.

Bloombecker, J. J. Buck. *Commitment to Security*. Santa Cruz, CA: National Center for Computer Crime, 1989.

Brown, Patrick W. "Digital Signatures: Are They Legal for Electronic Commerce?" 32 *IEEE Communications* 76 (September 1994).

This article provides a very good overview of the legalities behind digital signatures. Brown begins by discussing the legal definition of a paper signature and then goes on to describe how these rules and concepts would fit into the digital world. The method in which a digital signature is created is explained and the legal requirements for the acceptance of this document are presented. The laws and policies regulating the use of digital signatures are outlined and discussed.

Contemporary Cryptology: The Science of Information Integrity. G. Simons, ed. Piscataway, NJ: IEEE Press, 1992.

Cooper, James Aril. *Computer and Communications Security, Strategies for the 1990's*. New York: Intertext Publications, McGraw-Hill, 1989.

Cryptography's Role in Securing the Information Society: Overview and Recommendations. Washington, DC: Committee to Study National Cryptography Policy, Computer Science and Telecommunications Board, National Research Council, National Academy of Sciences and National Academy of Engineering, 1996.
<<http://www2.nas.edu/cstbweb/2646.html>>

This study focuses on the confidentiality aspects of escrowed encryption and export controls on cryptography, but addresses to some extent as well “collateral” uses of cryptography such as data integrity and user or system authentication. The report's basic principle is that U.S. policy should support broad use of cryptography, which permits confidentiality and integrity of digital information and authentication of individuals and computer systems, among all legitimate elements of U.S. society, balancing needs and desires for individual privacy, international economic competitiveness, law enforcement and national security. Recommendations one and three state that no law should bar manufacture, sale or use of encryption within the U.S.; and, policy affecting development and use of cryptography should be aligned with user choices and market forces, and prevailing or emerging industry standards and practices. Recommendations four and five, on the controversial issues of escrowed encryption and export controls, advocate progressive relaxation of cryptography export controls, and U.S. government assistance to law enforcement and national security to adjust to new technical realities of digital information. The study was conducted pursuant to Congressional request (PL 103-160); the version cited is a May 30, 1996 prepublication copy subject to editorial correction.

Davies, Clive. “Legal Aspects of Digital Signatures.” (United Kingdom) 11 *Computer Law & Practice* 165 (November - December 1995).

This article presents an interesting overview on the benefits and problems associated with the use of digital signatures and computers in the legal world. Explains how digital signatures would allow for greater safeguards and control over contracts, especially in the international area. Davies then describes the problems associated with the use of such technologies, including the problem of lack of skilled computer operators. Provides a brief discussion of German, French and British views on the topic.

Dumont, Jon Michael. “The Electronic Living Will and Formalities of Execution.” *Villanova Information Law Chronicle* (1993).
<<http://www.law.vill.edu/chron/articles/livingwi.htm>>

Discusses the difficulties involved in creating a legal living will. Describes the additional difficulties involved in creating an electronic document. There is some good information on how to create a legal document in the digital age.

Ford, Warwick. *Computer Communication Security: Principles, Standard Protocols and Techniques*. Englewood Cliffs, NJ: PTR Prentice Hall, 1994. QA 76.9 .A25F65 1994

This book is intended to be both a tutorial and reference work, for technically oriented readers concerned with the designing, implementing, marketing or procuring of networks. The introduction provides a brief overview of network security requirements in commercial and public settings and a summary of security in open systems. Part one of the book provides a technical background for security fundamentals and techniques, including OSI and TCP/IP architectures, cryptography techniques, authentication, network access control, confidentiality and data integrity, and non-repudiation concepts. Included are descriptions of symmetric and public key cryptosystems, digital signature techniques, and key management techniques. Part two of the book is an excellent discussion of protocol and security standards: the OSI security architecture, standard security techniques (including digital signature and public key standards), lower and upper OSI layer security protocols, electronic mail and EDI security, directory systems security, and OSI and SNMP network management. The electronic mail and directory services systems sections provide very good overviews of X435, ANSI X12 EDI, privacy enhanced mail (PEM) for the internet, and X509 directory authentication standards. This book is an excellent source of information on the interplay between the different security standards. Readers will benefit from a basic knowledge of computers and networking principles, and some basic familiarity with mathematical calculations.

Gliniecki, Judith Y., and Ceda G. Ogada. "The Legal Acceptance of Electronic Documents, Writings, Signatures, and Notices in International Transportation Conventions: a Challenge in the Age of Global Electronic Commerce." (Symposium: Current Issues in Electronic Interchange) 13 *Northwestern Journal of International Law & Business* 117 (1992).

Discusses the difficulties involved in creating a document that will be accepted as legal in multiple countries and how the advent of electronic documents is making this issue even more complex. Provides an interesting overview of the treaties currently in effect and how they will need to be modified to allow for the use of electronic systems. Discusses the different forms of documents and how each one will be effected by the new technology. A good overview and analysis of the current international law and how it needs to be improved to include electronic formats.

Illustrations [Examples of Digital Signature Acceptance Under Utah Law].
<<http://www.gvnfo.state.ut.us/ccjj/digsig/dsut-egs.htm>>

A good overview of what is considered a legal digital signature under Utah law. Several scenarios are presented and discussed and the supporting reasons and laws behind each decision are outlined. This is an interesting look at how digital signatures would be used and abused, and how the law would protect people from these violations. Topics covered include: failure to check for revocation of certificate, delay in publication, and un-licensed certificate authority.

Kaufman, Charlie, Radia Perlman and Mike Speciner. *Network Security: Private Communication in a Public World*. Englewood Cliffs, NJ: PTR Prentice Hall, 1995. QA 76.9 .A25K345 1995

This is a fairly technical book aimed at the computer literate layperson. It provides a good overview on the hardware and software requirements needed to communicate confidential information over an unsecured medium. Part one of this book deals with cryptography and the basics behind secret keys, message digests, and public key algorithms. This is fairly complicated information, but the authors do a good job of making it fairly accessible. The section deals with how to authenticate electronic messages. For many people this is the most critical section of the book. Discusses topics such as how to prove your identity over a network and what an authentication handshake is. The third section of the book deals with the problems cause by e-mail and what solutions can be used to overcome the most common difficulties. Overall this book is a good resource for anyone who has a basic knowledge of computers, but wants to learn more about electronic security.

Massingale, C. and Borthick, A. F. "Risk Allocation for Computer System Security Breaches: Potential Liability for Providers of Computer Services". 12 *Western New England Law Review* 167 (1990).

Discusses the possible security risks and problems involved with the use of computer systems in a networked environment and who is liable for damages if a security provider is used. Describes previous instances where systems have been violated and explains who was held responsible and what damages were awarded. This is a good overview of the various types of security problems, the damages that can occur, and who can and should be held responsible for these actions.

Merrill, Charles M. "Cryptography for Attorneys - Beyond Clipper." *Villanova Information Law Chronicle* (1994) <<http://www.law.vill.edu/chron/articles/merrill.html>>

This is a fairly technical overview of the clipper chip designed to provide a secure environment for the transfer of data and information on the Internet. Discusses the governmental concerns with encryption they cannot control and the solutions they are considering. Includes a comprehensive overview of what encryption is and how exactly it works in various forms.

Miller, Brian. "How to Sign on the Digital Line: A Key Element of Electronic Commerce is Creating a Legal Electronic Signature." 8 *Government Technology* 14 (June 1995).

A clear, concise overview of what a digital signature is and what the security issues are. There is also a brief discussion of the pending and current legislation and what effects this would have on the system.

Perritt, Henry H., Jr. "Payment Infrastructures for Open Systems." *Villanova Information Law Chronicle* (1995). <<http://www.law.vill.edu/chron/articles/dlr.htm>>

This article starts out by defining what money is and how and why various forms of payment are considered legal tender. Perritt then goes on to describe how these principles can be applied in cyberspace and legal electronic tender created. The practical applications of this system are discussed and the current Utah law is used as a general example of how the system could and is being utilized.

Perritt, Henry H., Jr. "Security in Open Networks: Maintaining Confidentiality and Getting Paid." *Villanova Information Law Chronicle* (1995). <<http://www.law.vill.edu/chron/articles/pbisecu6.htm>>

This provides a good, basic overview of what law firms can expect in the way of security risks as they use the Internet for various activities and how the security issues change accordingly. Perritt describes the different problems that could be accompanied by simple using e-mail versus putting a newsletter out. The pros and cons of using the Internet for payment are also briefly discussed.

Power, Richard. "Security in the Digital Age." 15 *Digital Age* 20 (January 1996).

This article is an overview of security programs in the emerging corporate setting of increased internetworking and distributed systems. The author identifies three common shortcomings of security planning: failure to understand the scope of the risks and vulnerabilities, disproportionate concern about Internet security and firewalls, and overreliance on technology for system security. To address these, he advocates preparation of strong, enforceable written policies for applications such as e-mail, attention to physical systems security, development and testing of emergency response plans, and attention to end users (increasing their awareness of and responsibility for security, and monitoring of workstation practices). Core principles and technologies include identification and authentication, access control, data classification, auditing and monitoring, and data encryption. Use of encryption requires planning for key escrow, to guard against accidental and deliberate destruction of decryption keys.

Raysman, Richard, and Peter Brown. "Electronic Signatures." 214 *New York Law Journal* 3 (October 30, 1995).

This article provides a good basic overview of digital signatures. It begins by explaining what a digital signature is and then goes on to explain the need for standards and the current usage of the technology. Raysman then outlines the basic legal implications of digital signatures and briefly describes what steps the various states, Utah in particular are taking to embrace this new technology. The security issues are raised and the use of the signatures in court is described.

Rustad, Michael, and Lori E. Eisenschmidt. "The Commercial Law of Internet Security." 10 *High Technology Law Journal* 213 (1995).

A comprehensive overview of security on the Internet and how it will influence business in the years to come. The article begins by describing the hardware and software behind networks and then goes on to discuss how security can be violated and what forms of protection exist. There is an interesting section on the liability of Internet security system providers for breaches and how the U.C.C. currently regulates these issues. The last section deals with what laws need to be updated to provide both security service sellers and buyers with the confidence they need to be able to comfortably conduct business online.

Schneier, B. *Applied Cryptography: Protocols, Algorithms, and Source Code in C*. New York: John Wiley & Sons, 1994.

Sherwood, Alan. "Digital Signature Law Inked." (Utah) 9 *Government Technology* 18 (February 1996).

A brief overview of Utah's digital signature law and the benefits and problems that accompany it. A nice non-technical overview of how digital signatures work and how they can be secured.

Tutorial [Digital Signatures]. Chicago: American Bar Association, 1995.

<<http://www.abanet.org/scitech/ec/isc/dsg-tutorial.html>>

The opening section of this article deals with the differences between an electronic and a digital signature, the general purpose of a signature and the legal effects of a signed document. The technology behind the creation of a digital signature is described and the role of the public key certificate is explained. The article ends by discussing the advantages and disadvantages of digital signatures.

Varlejs, Jana. *Safeguarding Electronic Information: Law and Order on the Internet and Other Computer Quandries*. Rutgers University, School of Communication, Information and Library Studies. Jefferson, NC: McFarland & Co., 1996. KF 2765 .A2S24 1996

This book contains a series of articles on access to electronic information and the dangers inherent in providing such access. While the difficulties are noted and discussed, useful solutions are also provided and the point is made that if reasonable precautions are taken then there should be no great risk to providing these services. There is a good section on ways to protect electronic data and an excellent article on developing an information policy.

Walker, Doug. "System Profile: Signing Original Documents from Afar." (SDS Systems' TeleSignature 2000) *5 Court Technology Bulletin 2* (September-October 1993).

This article provides a brief overview of what a digital signature is, the basic technology behind the premise and the potential applications of the system. The second half of the article is an advertisement for the TeleSignature 2000 system.

Warren, Jim. "Ballot Access & Digital Signatures." *9 Government Technology 16* (February 1996).

Discusses the benefits of providing ballot pamphlet information and voter registration information online. Outlines the problems and security issues involved with trying on to offer voter registration online. The articles also includes a brief discussion of California's digital signature law and how it relates on to the filing of official documents.

Warren, Jim. "Electronic Contracts and Digital Signatures." *8 Government Technology 18* (December 1995).

A good basic article discussing the security issues surrounding digital signatures and electronic contracts. Provides a brief, but clear overview of encryption and its capabilities. A nice overview of how encryption can aid in providing secure information in an unsecured environment.

Weiss, Peter N. "Security Requirements and Evidentiary Issues in the Interchange of Electronic Documents: Steps Toward Developing a Security Policy." *12 John Marshall Journal of Computer & Information Law 425* (1993).

This article begins by outlining the reasons why an electronic security policy needs to be developed for the use of electronic data interchange. Weiss describes the three steps he thinks are necessary for developing an effective security policy. First he discusses the evidentiary requirements for electronic documents and how the federal rules of evidence currently deal with electronic information. The next section deals with the difference between the security issues regarding paper vs electronic records and communications. A methodology for ranking the security level of electronic documents is outlined. Describes the steps necessary to provide users with a secure environment in which to exchange information electronically.

Wright, Benjamin. "Authenticating EDI: The Location of a Trusted Record-keeper." 4 *Software Law Journal* 173 (1991).

This is an interesting article on the comparison between authenticating conventional messages and electronic messages for use in court proceedings. The difficulties of insulating the record from fraud and proving when it was received are discussed. Outlines the advantages and disadvantages of having an internal record keeper to protect the integrity of electronic records.

Wright, Benjamin. "Eggs in Baskets: Distributing the Risks of Electronic Signatures." (United Kingdom) 6 *Computers and Law* 30 (October - November 1995).

ELECTRONIC INFORMATION: ECONOMICS, COSTS & FUNDING

Berry, George E., and Richard L. Daniels. "Automation Comes to Court: In Multidistrict and Complex Lawsuits, Computers Manage Documents and Save Money." 17 *National Law Journal* C1 (January 30, 1995).

A brief article on the efficiencies and cost savings of using computers to manage complex and multidistrict litigation. Storing documents on compact discs reduces storage costs and allows for a single document depository, improves remote access, permits rapid full-text searching, and improves cost effectiveness of deposition and testimony. Reducing the time spent on managing documents frees time for legal work and analysis, and reduces potential conflicts of interest. For large document volume cases, contracting the database to a third party can save 60% of the costs.

Bresnick, David. "User Fees for the Courts: An Old Approach to a New Problem." 7 *Justice System Journal* 34 (Spring 1982).

This article explores the notion that the public should pay for the costs of accessing the court system. Should the courts be allowed to charge for their services, or is this a barrier to justice? A historical overview is given and a basic outline for fee collection presented. Policies in various states are briefly discussed.

Cooter, Robert D., and Daniel L. Rubinfeld. "Trial Courts: An Economic Perspective." 24 *Law & Society Review* 533 (1990).

This article describes economic research on models of legal disputes. Concepts such as rational choice and static equilibrium are often used inaccurately in the non-economic research presented in this issue. This article critiques the longitudinal studies, illustrating a number of problems of conceptualization and data analysis. The authors consider normative models of dispute resolution and the evolution and effects of judge-made law.

Economides, Nicholas. *Bibliography on Network Economics*, 1995.
<http://raven.stern.nyu.edu/networks/biblio_hframe.html>

This is an extensive bibliography of articles, books and documents on network economics and related subjects. Described as an "interactive" work, it includes links to the electronic text of many

of the documents listed. The bibliography includes numerous citations and links to documents on topics such as economics of access pricing, Internet pricing and economics, economics of technology standardization and adoption of new technologies, and economic and antitrust issues of payment systems.

Graham, Ian, Claire Lobet-Maris and David Charles. *TEDIS Project C9: EDI Impact: Social & Economic Impact of Electronic Data Interchange (EDI)*, 1994.

<http://www.ed.ac.uk/~ehja36/tedis_c9.html>

This Trade Electronic Data Interchange Systems (TEDIS) report to the European Commission examines the industrial impacts of EDI, and draws a number of conclusions relevant to EDI use generally. Operational cost savings depend upon several factors: intensity of transaction levels (for low levels, EDI is practicable but not economically justifiable), level of integration with internal systems, and retention of parallel paper-based systems. Government agencies lack commercial pressures to seek efficiencies through information technology, and political considerations result in maintaining parallel systems. Successful EDI initiatives are characterized by strong user involvement in the EDI network coordination effort, often via industry associations, or "mediators." Direct employment cost savings may initially be modest, particularly if parallel systems are maintained, but may increase as EDI applications mature; indirect savings and efficiencies may result from organizational restructuring opportunities. Lack of EDI technical skills and expertise may become significant barriers where general information technology skills are deficient. Since EDI is a network technology, identifying organizational groups or communities which "trade" intensively, and identifying key technical and infrastructure barriers, are keys to expanding use of EDI.

Mackaay, Egan. "Economic Incentives in Markets for Information and Innovation." 13 *Harvard Journal of Law & Public Policy* 867 (1990).

The article begins by addressing the notion that information and innovation are marketable commodities and are therefore regulated by the laws of supply and demand. Outlines the current basic copyright and patent structure and explores the effects this system has on the economics of invention. Evaluates the effects of copyright on allowing exclusive rights to information on the economic paradigms of business and technology. Outlines the pros and cons for tighter copyright and patent control of information and the effects it would have on economic competition.

Melcher, Fred, David K. Byers and Agnes Lesch Felton. "Innovative Ways to Find Funding for Court Technology Projects." 32 *Judges Journal* 25 (Summer 1993).

This article describes Arizona's Judicial Collection Enhancement Fund (JCEF). Designed to improve the capabilities of the courts to collect and manage fines, fees, support, and other funds payable to the courts, and to improve court automation statewide, JCEF was based on surcharges on defensive driving programs and clerk's office fees, and time payment account fees. The article describes the emphasis placed on courts' collecting properly assessed fees and other funds, and managing both collections and funds management fairly and efficiently. A brief overview of the approach taken for a statewide judicial data network, to connect the several hundred semi-independent courts in the state, is provided. The article concludes with a number of funding ideas that may be appropriate and available to courts, including a discussion of surcharges; dedicated taxes; time payment service fees; unclaimed state lottery funds; grants; and private vendor partnerships. A sidebar to the article notes a trend in state legislatures to divert dedicated or set-aside funds for court automation projects to other state government uses, and emphasizes the importance of education legislators, providing enhanced public access, and statewide court automation planning in preserving funding for court automation.

Spector, "Financing the Courts Through Fees: Incentives and Equity in Civil Litigation." *58 Judicature* 330 (1975).

The author puts forth three broad criteria for evaluating civil court financing: court access for all, private payment for private benefits, and discouragement of unnecessary litigation. Measured by these criteria, the author states that court financing systems fail: fees are high enough to impede access for the poor (and fee waiver systems are generally based on inadequate, varying standards), the relationship between general revenue financing and court fees is haphazard and fails to assess private users for private benefits, and fees are too low and fragmented to effectively deter unnecessary litigation.

Standards Relating to Court Costs: Fees, Miscellaneous Charges and Sucharges, and a National Survey of Practice. Conference of State Court Administrators, Committee to Examine Court Costs: Filing Fees, Surcharges and Miscellaneous Fees, 1986.

The Standards provide uniform definitions for fees, miscellaneous charges, surcharges, and court costs. They provide that fees and miscellaneous charges should be set by the legislature with recommendations by the appropriate judicial body, and should carefully balance the need for revenues with public access to the courts; such fees and charges should not be alternative forms of taxation, and provision should be made for indigent fee waivers. The Standards express strong disfavor for surcharges earmarked for special purposes, and state that neither courts nor specific court functions should be expected to operate from the proceeds of fees and charges. The Standards include commentary, and are accompanied by an extensive survey and discussion. The Standards are cited in the comments to *Standards Relating to Court Organization*.

Standards Relating to Court Organization. Section 1.53: Revenue from Fees, Fines, Surcharges, and Other Assessments. Chicago: American Bar Association, Judicial Administration Division, 1990. KF 8720 .A44 1990

Section 1.53 of the Standards states that the purpose of court fees should be to offset in part the expenses of the particular benefits or services provided by the court, should be set by the state legislature in consultation with the judiciary, should be uniformly applied statewide, and should be deposited in an earmarked fund for the purposes for which they are assessed.

ELECTRONIC INFORMATION: ACCESS & POLICY

Access to Electronic Records: A Guide to Reporting on State and Local Government in the Computer Age. Arlington, VA: Reporters Committee for Freedom of the Press, 1994.

A brief guide to access to electronic public records and databases, from the perspective of the media, and a good overview of the issues courts increasingly will face as they move toward electronic processes and records. Covers such issues as the public status of electronic information, physical format of released information, costs, proprietary and copyrighted data and software, means of public access, and emerging issues such as internet availability of source documents. Cites to state and federal court FOIA and public records cases. The guide includes a "1996 Update" of recent state legislation, and a state-by-state survey (with citations) of key statutes, cases, and fee provisions.

Bermant, Gordon, and Winton D. Woods. "Real Questions About the Virtual Courthouse." 31 *Trial* 42 (October 1995).

The authors believe the technological alternatives underlying the idea of a "virtual courthouse" raise questions about the goals and values of the judicial system. Of the three elements of the virtual courthouse - clerk's office, library, and courtrooms - only the virtual courtroom remains controversial; for the other elements, many steps have already been taken since the efficiencies are evident and costs minimal. The authors examine four processes - pre-trial conferences, motion hearings, evidentiary hearings, and trials - and discuss the issues raised by virtual proceedings: accentuated differences between parties' resources, the balance between privacy and publicity of judicial proceedings, loss of the authority, legitimacy and dignity of the formal adjudicative atmosphere, and job satisfaction. The authors conclude that while the judicial system has begun employing the underlying technology, careful planning is required to balance the benefits of technology with the risks and costs of the virtual courthouse.

Bunker, Matthew E., Sigman L Splichal, Bill F. Chamberlin, and Linda M. Perry. "Access to Governmental Information in the Computer Age: Applying Legal Doctrine to Emerging Technology." 20 *Florida State University Law Review* 543 (1993).

The federal principles and doctrines behind access to government information are outlined and state and federal access laws are briefly discussed. Current methods of access government information electronically and the issues surrounding this access are described in depth. Explores current access to electronic information under Florida law and the FOIA. With the advent of computers and electronic information there has been an increase in concern over the security and privacy of these records. Examples are provided of state and federal cases involving privacy and electronic records.

"Data Processing and Government Information: The Failure of the American Legal Response to the Computer". 43 *Hastings Law Journal* 1321 (1992).

This article begins by exploring the use of the computer and electronic technology by the government to collect personal data and discusses the legal and moral implications of this method of interaction. The benefits and capabilities of computer systems for data collection and management are described and examples of agencies currently using these methods are given. Concludes by outlining the problems and flaws inherent within the system and makes recommendations for improvements and discusses possible legislative options.

Doheny, Donald A., and Graydon John Forrer. "Electronic Access to Account Information and Financial Privacy." 109 *Banking Law Journal* 436 (1992).

The advent of electronic records has increased access to account information of financial institutions. While this is a good thing for most consumers, it has raised concerns about who exactly has access to this information and how well is it safeguarded. State and federal laws regarding access to financial information are discussed and several court cases are described. Outlines the legal position of the banking industry.

Downey, Catherine M. "The High Price of a Cashless Society: Exchanging Privacy Rights for Digital Cash?" 14 *John Marshall Journal of Computer & Information Law Journal* 303 (1996).

The advent of digital cash and electronic methods of payment is raising new legal and moral issues in the business environment. This article provides a basic description of how the systems work and then goes on to discuss the current banking and privacy laws. Outlines the areas in which reforms are needed and discusses potential solutions.

Grodsky, Jamie A. "The Freedom of Information Act in the Electronic Age: The Statute Is Not User Friendly". 31 *Jurimetrics Journal* 17 (1990).

A discussion of the conceptual and practical problems involved in applying the Freedom of Information Act to computerized governmental information. Begins by examining the existing body of FOIA case law regarding electronic information and the precedents stemming from paper records. Grodsky then goes on to present models for change and looks at the technological developments that allow access to the computerized records.

Harris, Peter. "Public Records Go Electronic." *State Legislatures* 25 (June 1992).

Harris's article discusses the legal implications of creating and storing public records in an electronic format. Some of the issues raised include, is it a public record if it is stored in electronic format, and can the agency charge the public more money to access electronic information. Examples of current state laws are given and pricing structures for online access are outlined.

Harrison, Jack B. "How Open Is Open? The Development of the Public Access Doctrine Under State Open Court Provisions". 60 *University of Cincinnati Law Review* 1307 (1992).

The article starts by discussing the historical precedents behind open access to court records and then goes on to examine how various state constitutions deal with the issue of access to court information. Several different states models are discussed including West Virginia, Oregon and Ohio. The author then looks at the overlying federal laws and history. A good article on what type of access should be provided, but without any mention of electronic access.

Jennen, Susan M. *Privacy and Public Access to Court Records*. Williamsburg, VA: [National Center for State Courts](#), 1995. KF 8733 .J46 1995

The book provides a good overview to the issues, laws, and court rules surrounding public access to court records. Commentary on the rights of access on both the state and federal level, a discussion of court discretion and guidelines for policy development are provided. This book is essential for anyone interested in the topic of public access to the courts.

Kilpatrick, Kevin P., *The Electronic Handshake: Public Access to Court Databases*. Williamsburg, VA: [National Center for State Courts](#), 1995. KF 8733 .K55 1995

This book provides an in depth look at the technology and policies needed to set up an effective electronic access system. It deals with the specific problems courts are likely to encounter and explains how some courts are handling the situation. It provides sample policies and access agreements. The court rules and regulations are not mentioned. Anyone looking for a blueprint on how to set up an electronic access system should look at this book. It would be most effective when used in conjunction with the book by Susan Jennings, *Privacy and Access to Court Records*.

Miller, A. "Confidentiality, Protective Orders, and Public Access to the Courts." 105 *Harvard Law Review* (1991).

Describes the current role of the judges in deciding who can access confidential records during discovery. Addresses recent concerns that access to too much confidential information has been allowed and outlines the proposed changes to the laws that have been recommended. Explores how these changes will effect the efficient functioning of the judiciary and the dispensation of justice. Miller concludes by recommending that the current system be left untouched.

Perritt, Henry H., Jr. "Electronic Acquisition and Release of Federal Agency Information: Analysis of Recommendations Adopted by the Administrative Conference of the United States." 41 *Administrative Law Review* 253 (1989).

This article begins by providing a glossary of terms relating to electronic commerce and a table of government agencies that are operating or planning electronic acquisition and release of information programs under the Freedom of Information Act. Problems and concerns of the agencies are outlined and possible solutions and consequences are described. Describes the statutory framework currently in place for accessing information and explains the changes that will need to be made to accommodate electronic access. There is a strong cost/benefit analysis on electronic access and a good overview of how the new system is impacting different agencies. The text of Recommendation 88-10 regarding the Freedom of Information Act is included.

Perritt, Henry H., Jr. "The Electronic Agency and the Traditional Paradigms of Administrative Law." 44 *Administrative Law Review* 79 (1992).

This article assesses the impact of electronic information technology on three traditional goals of administrative procedure and explores the notion that this technology can be legally and effectively used for rulemaking, adjudication, and internal management. Describes in depth the relationship between technology and the traditional governmental agency mentality and provides examples for how several agencies are currently using the new technology effectively.

Perritt, Henry H., Jr. "Electronic Records Management and Archives." 53 *University of Pittsburgh Law Review* 963 (1992).

A comprehensive article that begins by outlining the basic principles behind access to electronic information, describes the technology needed to access this information, and discusses the laws regarding the use of these records. Perritt then goes on to explain how different federal agencies are using this technology to collect and archive data and what effect these policies are having on governmental laws and regulations. There is a brief discussion on how Canada and some states are utilizing the technologies. recommendations for future policies regarding electronic storage and access are made.

Perritt, Henry H., Jr. "Federal Electronic Information Policy." 63 *Temple Law Review* 201 (1990).

The concept of electronic information as a marketable commodity and the role of suppliers, both public and private is described in detail. Discusses the implications of allowing the collection and dissemination of information electronically and the benefits and problems this creates. Outlines the laws governing access to records under the Freedom of Information Act and explains how it is possible to charge the public more for electronic access as this adds "value" to the information. Looks at current agency regulations regarding electronic access under the FOIA and the internal regulations they have created to deal with the legal issues raised by this service.

Perritt, Henry H., Jr. "Open Networks and Access to Judicial Information." *Villanova Information Law Chronicle* (1993?).

<<http://www.law.vill.edu/chron/articles/openjud.htm>>

Perritt begins by discussing the role of the Internet as an inexpensive, flexible method of providing easy access to public court records. Explores the idea that Courts can provide raw data inexpensively and allow independent agencies to add extra value and searching capabilities without the judiciary having to expend time or effort. The legal and copyright implications of this system are evaluated and recommendations for state and federal laws are given.

Petersen, Barbara A., and Charlie Roberts. "Access to Electronic Public Records." (Florida) *22 Florida State University Law Review* 443 (1994).

Presents a good overview of the Florida laws regarding public access to government documents, including a breakdown of how costs are determined and in what format the record can be given to the public, and describes how these laws are applied to electronic records. The creation of barriers to this information, both deliberate and accidental, and the legal consequences of these actions are discussed. Outlines the Florida Electronic Records Bill.

Sorokin, Leo T. "The Computerization of Government Information: Does It Circumvent Public Access Under the Freedom of Information Act and the Depository Library Program?" *24 Columbia Journal of Law & Social Problems* 267 (1991).

This article begins by outlining the Freedom of Information Act and discussing the problems that are now being caused by the increase in electronic records. Explores some of issues being raised, including does the government have to provide access to electronic information, and in what format. The articles then goes on to discuss the role of electronic records in the Federal library depository system. The use of electronic records in other governmental agencies are described and their problems evaluated. The article concludes by re-examining the FOIA and how it can be used to regulate access to electronic records and possible changes to the law are discussed.

INTERNET ADDRESSES & DATABASES FOR FURTHER RESEARCH

ABA Information on Digital Signatures <<http://www.intermarket.com/ecl/cybrnote.html>>

Discusses the difficulty of getting legal documents prepared in the United States accepted as legal in other countries and how the increase in digitally prepare documents is only going to make the situation worse. Discusses the different legal powers of notaries in the United States and abroad and then goes on to describe the increases in this role with the advent of digital signatures. Provides good examples of how users would go about obtaining digital signatures, and what safeguards the notaries would provide. No specific laws are discussed, but this is a good overview of how the system could work if properly regulated.

California Digital Signature Legislation <<http://www.gcwf.com:80/articles\digsig.htm>>

This is the full text of California House bill AB 1577 dealing with the creation of a digital signature law.

Colorado Judicial Branch, Integrated Information Systems

<<http://www.rmii.com/slv/courts/iis.htm>>

This site provides access to the executive summary of Colorado's Integrated Criminal Justice Information System, plus additional descriptions of Colorado courts technology projects.

Commerce Net Electronic Commerce Jumpstation

<<http://www.commerce.net/jump/index.html>>

This is a good starting point to do research on EDI, security protocol issues, and general information on electronic commerce. Provides some links to interesting sites and homepages of companies working on related products.

Digital Signature Legislation <<http://www.commerce.net/archives/ca-digsig/0055.html>>

This site is an archive of messages posted on the Internet discussing questions and concerns regarding digital signatures. It is a good place to go to read how members of society feel about this topic. Some interesting concerns are brought up and there are some good overviews of current and pending legislation.

Georgia Digital Signature Legislation <<http://www.cc.emory.edu/BUSINESS/gds.htm>>

This is a fairly comprehensive site containing links to Georgia and other state's digital signature legislation, articles about digital signatures and electronic commerce, and links to business offering services in these areas.

Judicial Electronic Data Interchange (JEDDI) <<http://www.ncsc.dni.us/jeddi/jeddi.htm>>

This site is the homepage for the Judicial Electronic Data Interchange Corporation and provides basic information about the project and its founders. The site also contains the JEDDI Guidelines stemming from the May 5-7, 1993, Williamsburg workshop, and articles about the courts currently implementing or planning to implement electronic filing or access.

NAFTAnet - EC/EDI: Electronic Commerce / Electronic Data Interchange

<<http://www.nafta.net/ecedi.htm>>

This is a good site for general news and information about electronic data interchange and electronic commerce. Provides links to companies and services involved in these areas. Also provides links to other sites for current legislation and articles on these issues. This is a good place to locate a listserv or Usenet group address on these topics. A very comprehensive site for information on a broad range of electronic commerce areas.

National Center for State Courts Homepage <<http://www.ncsc.dni.us/ncsc.htm>>

This site contains general information about the National Center for State Courts project and contains links to state courts that have Internet access. It also provides a few general articles on other court automation projects.

National Standards Systems Network <<http://www.nssn.org/>>

The National Standards Systems Network (NSSN) is an electronic network that will link the standards systems of the hundreds of organizations involved in the development, production, distribution, and use of technical standards. The American National Standards Institute (ANSI) formed the Standards and Data Services Committee (SDSC) to address information needs of its members and customers. In 1992, the SDSC developed a strategic plan for the electronic development, production and delivery of standards and standards-related information. This plan became the basis for the NSSN program. The goal of NSSN is to offer a variety of services that will enable users to find standards and standards related information on line.

NIST NII Agent Services Demo <<http://nii.nist.gov/nii.html>>

“The NIST NII Agent is an advanced World Wide Web server that integrates two types of NIST contributions to the NII: 1) services, consisting of the virtual library and EDI translation facilities; and 2) an enhanced Mosaic server that offers remote database access through Mosaic and better search capabilities than are available through the standard WAIS search used with Mosaic today.” This site includes an electronic procurement demo , which integrates EDI translation, full text search, remote database access using SQL, and secure e-mail.

Premenos Company Homepage <<http://www.premenos.com/>>

The Premenos company homepage is one of the most comprehensive sites for EDI on the Internet, it provides links to standard indexes including X12, companies using EDI, articles and books on the subject, and information about the Premenos corporation. There are links to articles covering many of the important issues in the EDI are as well as a link to a book that is published in electronic format and downloadable to disk. Anyone searching for information on Electronic Data Interchange would do well to check out the information located at this site.

United Nations Economic Commission for Europe <<http://www.unicc.org/unece/>>

The Economic Commission for Europe (UN/ECE) is a forum for developing economic cooperation between the countries of North America, western, central and eastern Europe and central Asia. The Trade Division portion of this site provides information on international trade, including electronic commerce. The UN Trade Data Interchange Directory (UNTDID), including the Uniform Rules of Conduct for Interchange of Trade Data by Teletransmissions (UNCID) and UN/EDIFACT standards, can be found at this site.

Utah's Digital Signatures Act <<http://www.gvnfo.state.ut.us/ccjj/digsig/>>

This is a fairly comprehensive site for digital signature information containing links to the full text of the Utah Digital signature act, the Administrative Rules and Regulations, and examples of how these legislation is being used in everyday life in Utah. Links are also provided to some general digital signature information sites.

Villanova Information Law Chronicle <<http://www.law.vill.edu/vill.info.l.chron/>>

This site provides the full text of numerous articles on technology, Internet, network security and related topics, including the text of the article by Henry H. Perritt, *Electronic Dockets and the Use of Information Technology in Rulemaking and Adjudication*. This article is a good overview on how the courts are using electronics to more effectively collect and disseminate information.

Washington State Digital Signature Legislation
<http://access.wa.net/sb6423_info/index.html>

This site provides the text of SB6423, and additional information on digital signature legislation.

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Please send e-mail to services@scll.maricopa.gov
with questions or comments about this web site.

ELECTRONIC ACCESS TO COURT INFORMATION ANNOTATED BIBLIOGRAPHY

January 1997

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ELECTRONIC ACCESS IN THE COURTS

Administrative Office of the U.S. Courts. *Current Electronic Public Access Programs in the Federal Judiciary*. Press Release, July 24, 1996.

<http://www.uscourts.gov/Press_Releases/summ.htm>

A brief outline of the electronic services the Federal Courts are currently providing. Explains the differences between the various types of programs and mentions which courts are currently providing services such as public access terminals, Internet access, and public access to court electronic records.

Administrative Office of the U.S. Courts. *Technology Increases Public Access to Federal Courts*. Press Release, July 24, 1996.

<http://www.uscourts.gov/Press_Releases/paccess.htm>

A brief description on how the new electronic resources provided by the Federal Courts are increasing access to materials published by the courts. Includes data on the number of users for the various systems and describes the future of these services.

Allen, Judith. "Clerk of the Court Remote Docket Access." Memorandum (April 8, 1994).

This memo outlines the plans for a pilot program to provide remote docket access to the Superior Court in Maricopa County (Arizona). The memo outlines the hardware and software required, the hours the service will be accessible and the liability of the Clerk of the Court for the information provided by this service.

"Bankruptcy Courts Join Automation Bandwagon with New Electronic Systems." 10 *Commercial Law Bulletin* 10 (1995).

This article describes how to access the Federal Bankruptcy Courts using the new electronic technologies. These new systems allow users to access and file information electronically cutting down on the number of visits to the courthouse. Provides examples of how the systems are working in various states.

Commission on Official Legal Publications: Electronic Bulletin Board System. Danbury Bar Association - Electronic Information Page, 1996.

<<http://www.cslnet.ctstateu.edu/colp/ebbs.htm>>

This is a brief description of the Commission's bulletin board system, which provides weekly reports of Supreme, Appellate and Superior Court decisions, judicial directory, notices, regulatory changes, and - in beta testing at the time of publication - electronic forms, employing Delrina FormFlow software. User system requirements are provided. The BBS is available at an annual subscription fee depending on the type and number of files the user expects to download.

Directory of Electronic Public Access Services to Automated Information in the United States Federal Courts. Washington, DC: Administrative Office of the U.S. Courts, 1996.

<<http://www.uscourts.gov/Pubaccess.asp>>

Revised December 1, 1996. The directory provides the telephone numbers and URLs needed to access the automated information available from various Federal Courts in the country. It describes the ABBS (Appellate Bulletin Board System), and which courts have ACES (Appellate Court Electronic Services), PACER (Public Access to Court Electronic Records), PACER NIBS in U.S. Bankruptcy Courts, and VCIS (Voice Case Information System). Also described are the U.S. Supreme Court's pilot bulletin board system and Clerk's Automated Response Systems (CARS), as well as the U.S. District Court's electronic filing service for the Northern District of Ohio. Costs and technical requirements for access are provided.

"Electronic Public Access System of Dade County, Florida." 6 *Court Technology Bulletin* 2 (May/June 1994).

A short description of the electronic bulletin board system providing access to the Dade County Court's materials. Discusses the specifics of the service including hours of access, costs, types of data available and the technical resources required to operate this system.

"Electronic Public Access to Court Information Surveyed." *The Third Branch* (October 1995). <<http://marshall.uscourts.gov/ttb/octttb/survey.htm>>

A brief article discussing the results of a survey done to determine who was accessing the federal courts on-line and how well they liked the service. Overall users seemed pleased with the electronic access and felt that they were getting good value for their money. Also includes a brief outline of the pricing structures.

Evans, James. "Pennsylvania Courts Climb Into the World Wide Web." *Government Technology* (September 1995). <http://www.govtech.net/1995/gt/sep/penn_cou.htm>

A brief article describing the Administrative Office of the Pennsylvania Courts' shift from electronic bulletin board system to the Internet for providing electronic access to court documents. AOPC employed a non-profit Web service provider (CERFnet) to lease computer space (\$250.00/month), and for large-volume users charges a fee of \$250.00 for setup and monthly fees of \$30.00-50.00. The AOPC goal is to improve access to judicial information including calendars, statistical data, and court opinions.

Freedom of Information Committee, Society of Professional Journalists. "Privacy and Court Records." *Uia Online Newsletter* (October 1995).

<<http://www.uia.com/mailings/rre/Privacy.and.court.records.html>>

A letter from the Society of Professional Journalists to the Judicial Council of California protesting the proposed introduction of electronic access to court records. The letter spells out the concerns the journalists have on both the practical and legal fronts. While not a law review article this letter is well written and provides a good overview of areas in which any court looking to start a similar project could expect complaints.

Loudermilk, Stephen. "Storage for the Masses: Court Information Services Manages Expanding Caseload with HSM." 13 *LAN Times* 52 (May, 1996).

This article discusses how Court Information Service provides online information, including active case history files, documents, court calendars and judicial rules, to judges and lawyers, by using hierarchical case management technology. The use of this new software allows their California data center to move information to individual court systems. Describes the hardware required, the amount of information processed, and the pros and cons of using this system.

Mallory, Jim. "Get Court Info Via Your PC." *Newsbytes* (March, 1996).

Briefly outlines the PACER system, which allows access to many district and bankruptcy courts. Provides general information about the system and the costs associated with accessing the records. Concludes by discussing the future plans of the Supreme Court to provide electronic access to its opinions.

Missouri Court Automation Project: Electronic Courts 2004. Jefferson City, MO: Missouri Bar, 1994.

This publication describes the Missouri judiciary's plan for an automated court system linking all Missouri courts, to be designed and implemented by the courts pursuant to a statewide strategic plan. The project would provide an integrated statewide judicial network, linked to other justice agencies and state and local governments. The plan's benefits are described as improved local and remote access to the courts and to court data, reduced costs of data entry and storage, the potential for electronic filing of documents and electronic delivery of court information, improved reliability and speed of access to criminal history and child protection records, and greater statewide uniformity of court actions and procedures. The project would be funded primarily by a statutory \$7.00 special fee assessed for each case filed in a state court, expected to generate \$45.8 to \$55 million over ten years. Total project cost was estimated as \$47 to \$72 million.

Perritt, Henry H., Jr. *Electronic Dockets: Use of Information Technology in Rulemaking and Adjudication: Report to the Administrative Conference of the United States*, 1995.

<http://www.law.vill.edu/chron/articles/electronic_dockets/acuscut.htm>

The report is a wide-ranging, comprehensive discussion of the practical, legal, technological, and policy issues in automating rule-making and adjudicatory proceedings, in the context of the federal Department of Transportation and Nuclear Regulatory Commission automation initiatives. The report presents a technological context, including an introduction to basic local and wide area network technologies (particularly the Internet and its impact on development of client-server and distributed database technology), agency acquisition and storage of information, data retrieval within agencies, use of digital signatures, and public access. The report then examines the NRC initiatives, including electronic docket for adjudications and World Wide Web forms-based rule-making, and experimental electronic filings in cooperation with the JEDDI Corp., and DoT's agency-wide central docket management initiative. A brief overview of federal and state court efforts is also presented. The report sets out the current federal policy context (archiving policy, National Information Infrastructure, GILS and OMB Circular A-130 access standards), and discusses at length the legal issues (Administrative Procedure Act requirements, building and ensuring the record for judicial review, signatures and authentication methods, public access to government data, privacy, and trade secret and copyright issues). Drawing on this discussion and the DoT and NRC experiences, the author discusses the technology and policy choices for automating administrative agency processes. The report's recommendations urge automated agency processes relying on open network technologies and applications, allowing for electronic filing employing SGML and EDI standards, and preserving and enhancing remote public access to data. The report has extensive references to applicable federal and state laws, technical and policy standards, and other source materials.

Platt, Nina. "State Court Decisions on the Internet." *The PIPER Letter: Databases* (October 1996). <<http://www.piperinfo.com/pl03/staterep.html>>

This report discusses the emerging use of the Internet to provide access to court decisions; the similarities, differences and unique features of court WWW sites; the strengths and weaknesses of existing websites; types of sponsors; indexing and searching functions; and the coverage and document formats of states and courts that have published decisions on the Internet. The report is accompanied by a comprehensive hyperlinked *State Court Directory* (<http://www.piperinfo.com/pl03/statedir.html>), listing the state court sites, sponsors, database coverage, contacts, and special notes (including access fees).

"Probate Court Records Online." *Government Technology* (September 1996). <<http://www.govtech.net:80/1996/gt/sept/sept1996-technologynews/sept1996-technologynews.htm>>

A brief news item regarding Los Angeles County Superior Court's provision of online probate records, in partnership with Ameritech's CivicLink service, which handles software, computer systems, network and billing. The service costs \$295.00 for the CivicLink software and \$3.00-5.00 per transaction.

Public Access to Electronic Court Records (PACER). Washington, DC: Federal Judicial Center, 1989.

This user guide describes the PACER (Public Access to Court Electronic Records) system, as it was introduced in the Fourth U.S. Circuit Court of Appeals. The publication describes the information accessible via the PACER system, technical requirements for accessing the system, downloading and printing, and currency of information. Part 2 describes the docket system, and provides instructions and search techniques.

Sugarman, Alan. "Public Access: New 2nd Circuit Ruling." Listserv posting TAP-JURIS (February 3, 1995). <<http://essential.org/listproc/tap-juris/0078.html>>

This posting is a criticism of the proposed fee schedule for electronic access to the United States Court of Appeals decisions. In addition to the discussion of the fees there is a copy of the ruling by Jon O. Newman, Chief Judge of the Second Circuit, outlining the courts fees and the supporting laws allowing them to charge to access the records.

Weisberg, Jodi. "Courts Debate the Move to High-Tech." *2 Arizona Journal* 1 (May 29, 1996).

This article outlines the plans for the Arizona Court system to begin providing electronic access to, and filing of, court documents. Briefly discusses the problems and costs associated with such a venture and provides an overview of the trial program currently operating in the Pima County court system.

Woods, Bob. "Ameritech's Court Computer Access." *Newsbytes* (December 13, 1995).

This article provides a brief description of CivicLink, Ameritech's software program used for accessing court records. The article lists a few of the major courts using the system and discusses the pros and cons of the program.

Yates, Ronald E. "Ameritech On-Line Sales of Court Records Blocked." *Chicago Tribune* 1 (August 3, 1996).

The article describes the ruling by Judge Donald P. O'Connell, chief judge of Cook County Circuit Court, that Ameritech Corp. could not contract with the Circuit Court Clerk to sell court documents to the public electronically via an exclusive on-line service. The reasons behind the decision are outlined and the impact of the decision is discussed.

ELECTRONIC INFORMATION IN THE COURTS: POLICY CONSIDERATIONS

Anderson, Robert, *et al.* "The Impact of Information Technology on Judicial Administration: A Research Agenda for the Future." *66 Southern California Law Review* 1761 (1993).

Article prepared for California's Committee on Technology of the Commission on the Future of the Courts: 2020 Vision Project. The article is a wide-ranging discussion of the different technologies being used in the courts now, and those likely to be widely used past the year 2000. Interspersed are different scenarios illustrating the uses of the different technologies and their benefits to the public and the judicial system. Information technologies will improve accuracy and flow of information, and make the system much more open to the public and the other participants in the system.

Arkfeld, Michael R. "Information Anytime, Anyplace, *Inexpensive* - Well Maybe Not - The Selling of Public Data." 32 *Arizona Attorney* 10 (March, 1996).

The author believes that the government should make court records and information available to the public for no charge. He argues that the current trend of allowing courts to charge for accessing their data will place an unfair burden on the average person trying to obtain information in the pursuit of justice. Arkfeld makes the argument that the Arizona legislature is bearing the cost of providing access to the statutes via the Internet and urges courts to take the same approach.

Bardige, Stephen I. "Imaging Technology: Moving to a Paperless Court." 32 *Judges Journal* 52 (Summer 1993).

The article discusses the use of imaging technology as a way of improving the storage and retrieval of information for court use. As an example, the author points to Middlesex County Registry of Deeds and how this court division uses imaging to imaging is and how a court might implement it into their structure.

Bermant, Gordon, and Winton D. Woods. "Real Questions About the Virtual Courthouse." 31 *Trial* 42 (October 1995).

The authors believe the technological alternatives underlying the idea of a "virtual courthouse" raise questions about the goals and values of the judicial system. Of the three elements of the virtual courthouse - clerk's office, library, and courtrooms - only the virtual courtroom remains controversial; for the other elements, many steps have already been taken since the efficiencies are evident and costs minimal. The authors examine four processes - pre-trial conferences, motion hearings, evidentiary hearings, and trials - and discuss the issues raised by virtual proceedings: accentuated differences between parties' resources, the balance between privacy and publicity of judicial proceedings, loss of the authority, legitimacy and dignity of the formal adjudicative atmosphere, and job satisfaction. The authors conclude that while the judicial system has begun employing the underlying technology, careful planning is required to balance the benefits of technology with the risks and costs of the virtual courthouse.

Boersema, Craig. "Vision 2020: Building a Strategic Plan for Colorado Courts." 22 *Colorado Lawyer* 11 (January 1993).

This article outlines the goals set for the Colorado court system to reach by the year 2020 including better case management and effective access to the court through the electronic media. This plan sets forth the goals and then describes how the courts plan to implement the changes needed to achieve these results.

Carlson, Thomas C. *Information Superhighway Implementation Guidelines*. National Center for State Courts and the State Justice Institute (November, 1995).

<<http://www.ncsc.dni.us/ncsc/isig/guide.htm>>

This comprehensive set of guidelines provides a vast range of useful information for court managers interested in the Internet and how the use of this tool can be beneficial to the court system. Provides a good overview of the Internet, discusses the merits of Internet vs. BBS access, describes how courts can use the Internet to provide access to their records as well as obtain useful information from other courts, and addresses the security and legal issues surrounding the use of these technologies.

Flango, Victor E. "Resolving the Tension Between Access to Court Records and Right to Privacy." *5 Court Technology Bulletin* 3 (January/February 1993).

This article discusses the types of access available to court records and the different implications each format holds for the court. Describes the difficulty courts have in balancing access to public information with the right to privacy and how the new technologies affect this balance. Notes the overall implications for court administrators.

Gembrowski, Susan., "Big Battle Looming Over Charging Fees for Court Documents." *San Diego Daily Transcript* (April 20, 1995).

<http://www.sddt.com/files/library/95headlines/DN95_04_20/STORY95_04_20_02.html>

How does government reconcile the act of providing public access to court documents and, at the same time, not go bankrupt doing so? This article takes a look at how Los Angeles County attempts to do so and at those that are ready to sue the county over access to those records.

Greenleaf, Graham, Andrew Mowbray, Geoffrey King and Peter van Dijk. "Public Access to Law via the Internet: The Australasian Legal Information Institute." *6 Journal of Law and Information Science* 49 (1995).

A very good, comprehensive article describing the steps the Australian's have taken to create a pool of Internet resources to assist the public and legal professionals with both legal research and access to the law.

Hammitt, Harry. "Judicial Records: Can Privacy Concerns Co-Exist with Public Access?" *Government Technology* (May 1996).

<<http://www.govtech.net/1996/gt/may/elecDEMOMAY/elecDEMOMAY.htm>>

An interesting article describing the problems the Alameda County court has had with providing access to their criminal docket records through electronic means. The article outlines the governing principles behind allowing such access and discusses the legal implications that are now arising. Clearly outlines the debate over privacy versus open access and the role the new technology will have in this area.

Harrison, Jack B. "How Open Is Open? The Development of the Public Access Doctrine Under State Open Court Provisions". *60 University of Cincinnati Law Review* 1307 (1992).

The article starts by discussing the historical precedents behind open access to court records and then goes on to examine how various state constitutions deal with the issue of access to court information. Several different states models are discussed including West Virginia, Oregon and Ohio. The author then looks at the overlying federal laws and history. A good article on what type of access should be provided, but without any mention of electronic access.

Hillis, Bradley J. "Considerations When Placing Court Opinions on the Internet." *Villanova Information Law Chronicle* (1996).

<<http://www.law.vill.edu/vill.info.l.chron/hillis.html>>

This article examines various technical and practical considerations that arise when a court chooses to place its decisions and rules on the Internet. Discusses the pros and cons on the three most popular methods of providing access including: Placing the opinions on an FTP server in their original word processor file, placing the text on the Web in a plain ASCII format, or providing an HTML version complete with hyperlinks. Provides additional features and strategies to aid in developing and using these formats.

Jennen, Susan M. *Privacy and Public Access to Court Records*. Williamsburg, VA: National Center for State Courts, 1995. KF 8733 .J46 1995

The book provides a good overview to the issues, laws, and court rules surrounding public access to court records. Commentary on the rights of access on both the state and federal level, a discussion of court discretion and guidelines for policy development are provided. This book is essential for anyone interested in the issue of public access to the courts.

Judicial Conference of the United States, Committee on Automation and Technology. *Long Range Plan for Automation in the Federal Judiciary: Fiscal Year 1996 Update*. Washington: Administrative Office of the United States Courts, 1996.

This 1996 update to the *Long Range Plan for Automation in the Federal Judiciary*, pursuant to 28 U.S.C. §612, describes the Information Resources Management vision, mission, goals and major project initiatives, for all automation activities under the Judicial Conference Committee on Automation and Technology. The plan's scope includes electronic information resources and management activities for the federal appellate, district, and bankruptcy courts, pretrial and probation services, and the Administrative Office of the U.S. Courts. The plan recognizes electronic data interchange with federal, state, and local governments and the private sector as a key external factor influencing the judiciary's programs. The plan includes pilot projects for electronic filing of bankruptcy petitions, electronic filing of applications in appellate courts, Electronic Bankruptcy Noticing (employing EDI technologies), and project planning for electronic filing and noticing in district and bankruptcy courts. Inadequate capabilities for electronic exchange of information and data, continuing need for redundant data entry, and improved access to court information for both the judiciary and the public, are key problems identified throughout the plan.

Keller, Rudi. "Lawyers, Legislators at Odds Over Availability of Statutes." *Columbia Daily Tribune* (November 21, 1993). Reprinted in James Love, "Access to Missouri Statutes in Computer Format." Listserv Posting to INFO-POLICY <<http://www.essential.org/listproc/tap-info/0048.html>>

An interesting discussion on whether the Missouri Statutes are in fact considered public record. This article is an overview of a lawsuit filed regarding the cost of accessing the Missouri Statutes in computer format. Under the states' Open Record laws can a person request a copy of the text for the price of photocopying it. The lawsuit and its underlying aspects are discussed.

Kilpatrick, Kevin P., *The Electronic Handshake: Public Access to Court Databases*. Williamsburg, VA: National Center for State Courts, 1995. KF 8733 .K55 1995

This book provides an in depth look at the technology and policies needed to set up an effective electronic access system. It deals with the specific problems courts are likely to

encounter and explains how some courts are handling the situation. It provides sample policies and access agreements. The court rules and regulations are not mentioned. Anyone looking for a blueprint on how to set up an electronic access system should look at this book. It would be most effective when used in conjunction with the book by Susan Jennings, *Privacy and Access to Court Records*.

McDonald, Linda L. and Terry Boulanger. "LegalNET" 42 *Association Management* 87 (January 1990).

How the State Bar of New Mexico created a high-tech communication system to provide members with instant access to legal research, court rulings, and other vital information.

Miller, A. "Confidentiality, Protective Orders, and Public Access to the Courts." 105 *Harvard Law Review* 427 (1991).

Describes the current role of the judges in deciding who can access confidential records during discovery. Addresses recent concerns that access to too much confidential information has been allowed and outlines the proposed changes to the laws that have been recommended. Explores how these changes will effect the efficient functioning of the judiciary and the dispensation of justice. Miller concludes by recommending that the current system be left untouched.

Perritt, Henry H., Jr. "Open Networks and Access to Judicial Information." *Villanova Information Law Chronicle* (c1993).

<<http://www.law.vill.edu/chron/articles/openjud.htm>>

Perritt begins by discussing the role of the Internet as an inexpensive, flexible method of providing easy access to public court records. Explores the idea that Courts can provide raw data inexpensively and allow independent agencies to add extra value and searching capabilities without the judiciary having to expend time or effort. The legal and copyright implications of this system are evaluated and recommendations for state and federal laws are given.

Walker, J. Douglas. *The Challenging Voyage to Statewide Court Automation*. Williamsburg, VA: National Center for State Courts, 1994.

This is an interesting document that takes a look at how different states are handling long term automation projects. The National Center for State courts surveyed the states to determine what types of automation projects were in process or being considered as well as the overall level of automation. This report compiles some of those results, discusses how to sell automation to the public, the legislature, and the courts. They also discuss the automation concerns in four states including North Carolina. This document is worth taking a look at if your court is planning on beginning a major automation project.

Warren, Jim. "Pricing Policies for Public Records." *Government Technology* (November, 1995). <http://www.govtech.net/1995/gt/nov/pricing_.htm>

A brief outline of the different pricing structures available to courts interested in charging for access to their electronic records and the rationale behind the different plans. Options include fees covering all costs, free for non-profit use and fees for information brokers. Provides the basic legal tenets behind some of the arguments.

SELECTED LEGISLATION, REGULATIONS & POLICIES

[Arizona Revised Statutes, §12-282\(D\). Custody of Records Filed;....](#)

Amended by Laws of 1996, Chapter 95, Section 1 (SB 1103). Subsection (D) deals in part with electronic reproductions or images of records; the amendment adds that state or local agencies shall accept such records "as a registration of a record or a procedure if the agency receives the record from the clerk...through electronic transmission and the electronically reproduced document states that the copy received is a full, true and correct copy of the original on file...."

[Arizona Revised Statutes, §12-284.02. Electronic Filing and Access; Fee.](#)

Amended by Laws of 1996, Chapter 95, Section 4 (SB 1103). Subsection (A) states that the "presiding judge of the superior court may provide for the electronic filing of documents and electronic access to superior court records, pursuant to rules adopted by the supreme court." Subsection (B) establishes fees not to exceed \$100.00 for annual online access subscription and \$2.00 per minute for online access to records. Collected fees are to be used for improving access to superior court records.

[Arizona Revised Statutes, §22-284. Electronic Filing and Access; Fee....](#)

Amended by Laws of 1996, Chapter 75, Section 2 (SB 1149). Subsection (A) states that the "presiding judge of the superior court may provide for the electronic filing of documents and electronic access to justice court records, pursuant to rules adopted by the supreme court." Subsection (B) establishes fees not to exceed \$100.00 for annual online access subscription and \$2.00 per minute for online access to records. Subsection (E) states that collected fees are to be used "for purposes consistent with the purposes of this section."

[Arizona Revised Statutes, §22-408. Electronic Filing and Access; Fee....](#)

Amended by Laws of 1996, Chapter 75, Section 3 (SB 1149). Subsection (A) states that the "presiding judge of the superior court may provide for the electronic filing of documents and electronic access to municipal court records, pursuant to rules adopted by the supreme court, after consulting with the city or town council of the city in which the municipal court is located." Subsection (B) establishes fees not to exceed \$100.00 for annual online access subscription and \$2.00 per minute for online access to records. Subsection (D) states that the presiding judge shall obtain approval of additional expenditures required of a city or town from the city or town council. Subsection (E) states that collected fees are to be used "for purposes consistent with the purposes of this section."

[Florida Statutes Annotated, §119.083. Definitions; Copyright of Data Processing Software Created by Government Agencies; Fees; Prohibited Contracts.](#)

§119.083 provides that state government agencies may hold copyrights for data processing software created by the agency, enforce copyrights, and sell or license the copyrighted data. Any fees for sale or licensing of copyrighted software solely for application to information maintained by the agency must be set pursuant to §119.07(1), and in using proprietary software or contracting for creation or maintenance of a public records database, agencies must not diminish rights of public access. In designing or acquiring systems, agencies must consider availability of data in a common format (such as ASCII).

[Florida Statutes Annotated, §119.85. Remote Electronic Access to Public Records.](#)

§119.85 states that agencies may provide access to public records by remote electronic means, and may charge a fee, contracted for with the user, including the direct and indirect costs of remote access, subject to the provisions of §119.07(1). *Florida Statutes Annotated* §119.07(1) prescribes rights to inspection and copying of public records, and cost limits and guidelines for copying fees.

Kansas Statutes Annotated, §60-2601a. Computer Information Storage and Retrieval Systems.

§60-2601a states that records and information in dockets and journals required to be kept by the clerks of the district courts may, upon order of the administrative judge, be maintained in computer systems. The clerk has the responsibility of making computer records and information accessible to the public.

Maricopa County Policies and Procedures No. A1606: Sale of Public Data. Phoenix: Maricopa County, 1996.

This extensive policy was developed by the Office of the CIO, Maricopa County (Arizona), to provide guidelines for county departments in meeting non-commercial use, commercial use, and custom requests for access to county public information. The policy's intent is to protect the public's right to data, maximize cost recovery, and ensure appropriate distribution of funds collected from sales of public data. The policy sets out general principles of access to public records, and provides guidelines for county departments for handling requests, determining the status of both requests for data and the data itself, procedures for responding to requests, responsibilities for redaction of data exempted from release, and cost factors to be considered in setting fees for access. Cost considerations for fees are dependant upon the purpose of the request: non-commercial use, commercial use, requests for custom data, and intergovernmental agreement requests. Section E of the policy provides general guidelines for responding to requests for remote access to county electronic databases, and requests for copies of electronic databases, and expresses concern for technological considerations, cost recovery, and legal considerations such as inadvertent disclosure of proprietary software. The policy sets out the respective responsibilities of the county Data Sale Advisory Board, county counsel, department management, and Office of the CIO, and includes procedural diagrams and forms.

[Minnesota Statutes Annotated, §13.03. Access to Government Data.](#)

Part of Minnesota's extensive *Government Data Practices Act*, §13.03 states a policy that all government information "collected, created, received, maintained or disseminated by a state agency, political subdivision, or statewide system shall be public" unless otherwise classified by state or federal law. Subdivision 3 states that where a party requests

electronic transmittal of public data, an agency may charge the actual costs of "searching for and retrieving government data, including the cost of employee time, and for making, certifying, compiling and electronically transmitting" the data, but not for separating public from "not public" data. If the request involves public data that has commercial value and is a substantial discrete part of an entire system or database developed with significant expenditure of public funds, the agency may charge a reasonable fee for the information, based on actual development costs of the information, as well as the costs of providing access. §13.90 of the Act exempts the state's judiciary branch from its provision, stating that access to judiciary records is governed by rules adopted by the supreme court.

[Montana Code Annotated, §2-6-110. Electronic Information - Public Access - Fees.](#)

§2-6-110 states that the public is "entitled to a copy of information compiled, created, or otherwise in the custody of public agencies that is in electronic format, subject to the same restrictions applicable to the information in printed form. All restrictions relating to confidentiality, privacy, business secrets, and copyright are applicable to the electronic information." Agencies may charge fees not to exceed the actual cost of the electronic media used for transferring data, expenses for mainframe processing and providing online access, and specified staff time. This section is made applicable to the state judiciary.

[United States Code Annotated, Title 28, §1913. Courts of Appeals.](#)

§1913 provides that the Judicial Conference of the United States shall set reasonable and uniform fees and costs for the court of appeals. Public Law 102-140, §303 (included in the historical note to §1913) provides that the Judicial Council shall prescribe reasonable fees pursuant to §1913 for access to electronic information, provide for fee exemptions to avoid unreasonable burdens and promote public access, and make available a schedule of such fees. The Judicial Conference's schedule (included in the historical note to §1913) effective April 1, 1996, set fees for electronic access at 60 cents per minute of usage.

SELECTED COURT RULES AND ADMINISTRATIVE ORDERS

Alabama Rules of Judicial Administration, Rule 33. Dissemination of Computer-Based Court Information.

Rule 33 applies to all requests for computer-based information maintained by the Administrative Office of Courts, and provides that the administrative director shall promulgate procedures for access to computer-based information. The rule sets out the information to be provided by each requestor, and the criteria for determining release of data. The rule states that requestor shall bear the cost of access as required by the administrative director's procedures. Procedures for data dissemination requests, forms, and contract are set out in an appendix to the rule. A comment to the rule states that the rule was patterned after *Washington Judicial Information System Committee, Rule 15: Data Dissemination of Computer-Based Court Information.*

Florida Rules of Judicial Administration, Rule 2.051. Public Access to Judicial Records.

Rule 2.051 defines judicial records as including any "material created by any entity within the judicial branch, regardless of physical form, characteristics, or means of transmission, that are made or received...in connection with the transaction of official business by any court or court agency." The rule sets out exemptions, and a review process for denial of access requests. An extensive commentary discusses the use of electronic mail within the judicial branch, as a "judicial record" under the rule, concluding that while, with some exceptions, electronic mail (as well as use of online legal research services such as Westlaw) within a court's jurisdiction would be exempted, some electronic mail, particularly that between a court and persons outside the court's jurisdiction, would be non-exempt, and each court should establish the means to make a record of non-exempt electronic mail. The commentary also recommends that courts publish an electronic mail address for public access, with individual mail addresses remaining exempt from disclosure.

In the Matter of Public Access to Court Records. Supreme Court of the State of Arizona, Administrative Order No. 95-35 (June 7, 1995).

This order adopts a policy for the Arizona judicial department defining the public's right to review, inspect and copy court records. The order covers general provisions of open records policy, records production and management, confidential and personal financial records, and creation of new records in response to requests; access to case records; access to court administrative records; procedures for requesting access to records; and inspection and photocopying access to original records and to documents and physical objects admitted into evidence. Section 7 of the order governs access to computer or electronic based records. Subsection 7.3 states that the applicant shall bear the actual cost incurred by the court to comply with the request, and if no fee is prescribed by law, the custodian of the requested electronic records shall collect a fee covering the costs of producing the record (but not costs of searching for or redacting confidential data from the record, except as provided by law).

Minnesota Rules of Public Access to Records of the Judicial Branch.

These rules of public access apply to records of all Minnesota judicial branch courts and court administrators. The rules set out a general policy that all judicial branch records are presumed to be open to the public for inspection or copying during regular office hours. Rules 4, 5, and 6 set out exemptions to that policy pertaining to specified case records; administrative records such as employee records, work product, correspondence, security records, copyrighted materials, and competitive bidding records; and vital statistics. Rules 7 and 8 set out procedures for requesting access and inspecting or copying records, and rule 9 provides for appeals from denial of access to records.

Pennsylvania Rules of Court - Federal. Clerk's Office Procedure Handbook for the Eastern District of Pennsylvania. St. Paul: West Publishing Co., 1996.

Part 24(A) of the handbook describes the Eastern District of Pennsylvania Electronic Bulletin Board, which provides recent judicial opinions at no charge; Appendix L provides instructions for accessing the BBS. Part 39 describes the PACER system in the Eastern District; Appendix S includes an application for PACER access. Part 40 of the Handbook states that the court will accept electronic filing of all civil documents, including complaints, notices of removal and notices of appeals. Electronic filings are in lieu of paper submissions; this section specifically states that attorneys should not submit the same documents in paper form if filing electronically. Attorneys must submit an application to the clerk's office, and submit one original signature document with a Signature Document Authorization Statement, authorizing the clerk to append the

signature document to any electronic submission. Filings are via 2400bps modem, in ASCII, XMODEM, or WordPerfect 5.0. There are appendices for the application form, directory of automated services. Part 29 describes the use of credit cards for filing fee and PACER access fee payments.

Washington Court Rules Annotated, 2nd ed. Judicial Information System Committee Rules. Rochester, NY: Lawyers Cooperative Pub., 1995. KFW 529 .A2 1995

Rules adopted by Supreme Court of Washington to govern the statewide Judicial Information System. The rules cover such matters as communications links with other systems, attorney identification numbers, and security and privacy. JISCR 15 governs data dissemination of computer-based court information.

Wisconsin Supreme Court Rules, Rule 72.05. Retention of Court Records Maintained as Official or Original Information on Electronic or Optical Storage Systems.

Specifies the court records and time periods for retention in custody as official or original information, and sets requirements for systems maintaining such records in electronic or optical form.

ELECTRONIC INFORMATION: ACCESS & POLICY

Access to Electronic Records: A Guide to Reporting on State and Local Government in the Computer Age. Arlington, VA: Reporters Committee for Freedom of the Press, 1994.

A brief guide to access to electronic public records and databases, from the perspective of the media, and a good overview of the issues courts increasingly will face as they move toward electronic processes and records. Covers such issues as the public status of electronic information, physical format of released information, costs, proprietary and copyrighted data and software, means of public access, and emerging issues such as Internet availability of source documents. Cites to state and federal court FOIA and public records cases. The guide includes a "1996 Update" of recent state legislation, and a state-by-state survey (with citations) of key statutes, cases, and fee provisions.

American Bar Association Recommendation No. 102 (guidelines for applying the Freedom of Information Act to electronic formats), adopted August, 1990.

<<http://www.law.vill.edu/Aba/1990stat.html>>

ABA Recommendation No. 102 recommends that to ensure that access to information under the Freedom of Information Act (FOIA) is not diminished by virtue of the fact that the information is maintained in electronic form, federal agencies should adopt procedures and policies recognizing specified principles: information maintained in electronic form constitute "records" subject to the FOIA; access to electronic information (including entire databases) pursuant to the FOIA should not be denied on grounds that electronic data are not "records" under the FOIA, retrieving or redacting electronic data involves creating a "new" record, electronic data are available in an equivalent or different format, or the procedure required to provide access or to redact exempt

information may require programming or reprogramming (unless it would be unreasonably burdensome for the agency); and in responding to FOIA requests, agencies should release electronic information in the format in which it is requested. If agencies fail to implement such principles, Congress should enact clarifying legislation to ensure compliance with those principles.

American Bar Association Recommendation No. 109C (guidelines for Federal and state agency dissemination of public information in electronic form), adopted August 12-13, 1991. <<http://www.law.vill.edu/Aba/1991rec.html>>

Report 109C recommends principles to govern both federal and state agency dissemination of electronic public information: adopt affirmative programs of electronic public information dissemination; recognize the obligation to make information available in the necessary formats and record structures; ensure that electronic information developed with public funds is available to the public, negotiating terms that will put both the data and the appropriate retrieval software in the public domain when contracting to develop new electronic information products; anticipate public requests for electronic information and reduce costs by building features into electronic information systems so that information most likely to be requested by the public may be actively released; encourage development and distribution of multiple electronic information products serving the same market and containing the same public information so that consumers will have choices among particular value-added product features, and encourage private development and delivery of electronic public information products; provide agency electronic publications to depository libraries; agencies should not hold copyrights in public information, nor develop electronic information products through contracts that do not provide for the resulting products to be in the public domain; before undertaking new electronic information product initiatives or terminating existing electronic information products, inform and consider the views of interested persons; when designing electronic information systems, consult with potential users and relevant organizations engaged in dissemination of information to determine the types of information and the retrieval and use features likely to be desired by groups served by the agencies and by other interested members of the public; ensure that high speed data networks for dissemination of public electronic information are planned and implemented consistent with these principles.

Berman, Jerry J., "The Right to Know: Public Access to Electronic Public Information." *3 Software Law Journal* 491 (Summer 1993).

A clear and comprehensive article on the various ways the public can access government information via electronic methods and the implications this is having on various agencies. Discusses such issues as is the government secrecy in the computer age, what materials are considered public record, how various agencies are creating electronic databases both for internal and external use, and what role the government is ultimately going to take in the electronic publishing arena. This article will prove useful to anyone interested in the implications the electronic format will have on public access to government information.

Biennial Report to Congress on the Status of GPO Access. Washington, DC: United States Government Printing Office, 1995.

This is the first report to Congress on the *GPO Access* online service, pursuant to PL 103-40. The report describes the objectives and development of the service and its databases, its transition from a combined free (for use on site at depository libraries) and paid subscription service to a free public access service, and methods of access (including the

federal depository library gateway program). Employing a wide area information server (WAIS) implementation, the service provides access to Congressional Record; Federal Register; Congressional bills, reports, and documents; and government information locator service (GILS) databases. The report describes future plans for the service, particularly in the areas of locator and pathway services for broad access to federal government information, and the costs, financing, benefits and savings of electronic information access.

Browning, Graeme. "Dueling Databases." *28 National Journal* 205 (1996).

This article discusses the reasons behind the Air Force's reluctance to provide public access to a database containing Supreme Court Decisions from 1937 to the present. An interesting debate as to why the information is available from Westlaw at a price but the government will not allow free public access.

Browning, Graeme. "Dueling over Data: Million of Americans are "Surfing the Internet" These Days." *25 National Journal* 2880 (1993).

As more and more people have access to the Internet the debate over how much government information should be available to the public at no charge is heating up. Electronic publishers and the government are trying to determine what information is public record, who will provide access to this data, and will there be a cost involved to the public. This article neatly summarizes the key points of this debate and provides examples of new projects by the government to help increase public access to these materials.

Bunker, Matthew E., Sigman L Splichal, Bill F. Chamberlin, and Linda M. Perry. "Access to Governmental Information in the Computer Age: Applying Legal Doctrine to Emerging Technology." *20 Florida State University Law Review* 543 (1993).

The federal principles and doctrines behind access to government information are outlined and state and federal access laws are briefly discussed. Current methods of access government information electronically and the issues surrounding this access are described in depth. Explores current access to electronic information under Florida law and the FOIA. With the advent of computers and electronic information there has been an increase in concern over the security and privacy of these records. Examples are provided of state and federal cases involving privacy and electronic records.

"Data Processing and Government Information: The Failure of the American Legal Response to the Computer". *43 Hastings Law Journal* 1321 (1992).

This article begins by exploring the use of the computer and electronic technology by the government to collect personal data and discusses the legal and moral implications of this method of interaction. The benefits and capabilities of computer systems for data collection and management are described and examples of agencies currently using these methods are given. Concludes by outlining the problems and flaws inherent within the system and makes recommendations for improvements and discusses possible legislative options.

Doheny, Donald A., and Graydon John Forrer. "Electronic Access to Account Information and Financial Privacy." *109 Banking Law Journal* 436 (1992).

The advent of electronic records has increased access to account information of financial institutions. While this is a good thing for most consumers, it has raised concerns about who exactly has access to this information and how well is it safeguarded. State and federal laws regarding access to financial information are discussed and several court cases are described. Outlines the legal position of the banking industry.

Fitzgerald, Mark. "Losing Access to Public Records." 126 *Editor & Publisher* 9 (May 15, 1993).

The government trend of charging more and more for electronic records is hampering the public's ability to acquire them. Advocates of the Freedom of Information Act are criticizing governments' trends of copyrighting public information and contracting out record-keeping of decisions or legislative material, among other things.

Grodsky, Jamie A. "The Freedom of Information Act in the Electronic Age: The Statute Is Not User Friendly". 31 *Jurimetrics Journal* 17 (1990).

A discussion of the conceptual and practical problems involved in applying the Freedom of Information Act to computerized governmental information. Begins by examining the existing body of FOIA case law regarding electronic information and the precedents stemming from paper records. Grodsky then goes on to present models for change and looks at the technological developments that allow access to the computerized records.

Harris, Peter. "Public Records Go Electronic." 18 *State Legislatures* 25 (June 1992).

This article discusses the legal implications of creating and storing public records in an electronic format. Some of the issues raised include; is it a public record if it is stored in electronic format and can the agency charge the public more money to access electronic information. Examples of current state laws are given and pricing structures for online access are outlined.

Henderson, Jennifer N. "Putting Government Online, Part I: The National Electronic Open Meeting." *Government Information Insider* 2 (Summer 1995).

Overview of a national electronic open meeting hosted by the Office of Management and Budget on questions related to access to federal information, May 1-14, 1995.

Henderson, Jennifer N. and Patrice McDermott. "Putting Government Online, Part II: Progress Report on Implementation of the Government Information Locator Service." *Government Information Insider* 8 (Summer 1995).

History of the Federal Information Locator Service and Government Information Locator Service (GILS), and a progress report on implementation of GILS.

Jones, Daryl L. "Florida's Response to Serving Citizens in the Information Age." 22 *Journal of Government Information* 13 (January/February 1995).

Examines the impact of advances in information technology on the Florida Public Records Law. The public's right of access is now guaranteed in Florida by a new constitutional amendment that guarantees every person the right to inspect or copy the public records of all three branches of Florida government.

Love, James. "Pricing Government Information." 22 *Journal of Government Information* 363 (September/October 1995).

This article provides a discussion of several important economic concepts. It describes pricing rules and algorithms used by federal agencies and private vendors of government information, as well as a discussion of the consequences of and rationales for existing pricing policies.

Lunin, Lois F. "The Public's Access to Government's Electronic Information: Perspectives, Players and Positions." 17 *Bulletin of the American Society for Information Science* 7 (August 1991).

This article examines the impact of OMB (Office of Management and Budget) Circular A-130 and how various groups will deal with its implications.

Loenhirth, William J. "Does the Sun Shine in Cyberspace? Electronic Access and State Open-Meeting Laws." 27 *State and Local Government Review* 235 (Fall 1995).

Discusses the legal implications behind government officials conducting business via e-mail and other electronic means. How much of this information should be public record, and should elected officials be allowed to exchange information in this currently unregulated manner. Outlines the steps various states are taking to address these issues and provides examples of how the open meeting laws are being revised to account for the change in technology.

Mechling, Jerry. "The Hidden Data Pricing War" 8 *Governing* 82 (October 1994).

The conflict over what prices should be charged for government-held information is examined. User fees are needed to force government to pay more attention to customers and to serve as a funding source for essential innovation.

Miller, Brian. "Governments Pushing for Access Fees" *Government Technology* (June 1996). <<http://www.govtech.net/1996/gt/june/tandgjune/tandgjune.htm>>

This article explores three governments, Los Angeles, Indianapolis and Florida, and how each one is dealing with providing public with information, e.g. are they charging fees, how are they providing the information, what is the public reaction.

Perritt, Henry H., Jr. "Electronic Acquisition and Release of Federal Agency Information: Analysis of Recommendations Adopted by the Administrative Conference of the United States." 41 *Administrative Law Review* 253 (1989).

This article begins by providing a glossary of terms relating to electronic commerce and a table of government agencies that are operating or planning electronic acquisition and release of information programs under the Freedom of Information Act. Problems and concerns of the agencies are outlined and possible solutions and consequences are described. Describes the statutory framework currently in place for accessing information and explains the changes that will need to be made to accommodate electronic access. There is a strong cost/benefit analysis on electronic access and a good overview of how the new system is impacting different agencies. The text of Recommendation 88-10 regarding the Freedom of Information Act is included.

Perritt, Henry H., Jr. "The Electronic Agency and the Traditional Paradigms of Administrative Law." 44 *Administrative Law Review* 79 (1992).

This article assesses the impact of electronic information technology on three traditional goals of administrative procedure and explores the notion that this technology can be legally and effectively used for rulemaking, adjudication, and internal management. Describes in depth the relationship between technology and the traditional governmental agency mentality and provides examples for how several agencies are currently using the new technology effectively.

Perritt, Henry H., Jr. "Electronic Records Management and Archives." 53 *University of Pittsburgh Law Review* 963 (1992).

A comprehensive article that begins by outlining the basic principles behind access to electronic information, describes the technology needed to access this information, and discusses the laws regarding the use of these records. Perritt then goes on to explain how different federal agencies are using this technology to collect and archive data and what effect these policies are having on governmental laws and regulations. There is a brief discussion on how Canada and some states are utilizing the technologies. recommendations for future policies regarding electronic storage and access are made.

Perritt, Henry H., Jr. "Federal Electronic Information Policy." 63 *Temple Law Review* 201 (1990).

The concept of electronic information as a marketable commodity and the role of suppliers, both public and private is described in detail. Discusses the implications of allowing the collection and dissemination of information electronically and the benefits and problems this creates. Outlines the laws governing access to records under the Freedom of Information Act and explains how it is possible to charge the public more for electronic access as this adds "value" to the information. Looks at current agency regulations regarding electronic access under the FOIA and the internal regulations they have created to deal with the legal issues raised by this service.

Perritt, Henry H., Jr. "Government Information Goes On-line." 92 *Technology Review* 60 (November/December 1989).

Discusses the idea that the government may have a new role to play as an electronic publisher of information. Describes instances where the federal government has stepped in to provide access to information previously only available in the electronic format through expensive independent vendors. Outlines the implications for the public, the government, and the companies currently providing access to these materials.

Perritt, Henry H., Jr. "Sources of Rights to Access Public Information." *Villanova Information Law Chronicle* (1995?).

<<http://www.law.vill.edu/chron/articles/wandmd.htm>>

This article examines the legal rights and issues implicated by government restrictions on access to information, where government agencies seek to preserve revenue generation from the sale of public data, or to provide for a "monopoly" for access to electronic information, focusing on the tension between federal and state freedom of information act (FOIA) and public records laws, and intellectual property law. The author notes the potential of digital technologies, particularly distributed open systems like the Internet,

for "unbundling" the value-added components of electronic information systems from the underlying "raw" content, which is generally considered non-proprietary public information. In this context, the author discusses rights of access to and use of public data flowing from federal and state FOIA and public record law, copyright and trademark law, first amendment rights, antitrust law, regulation of interstate commerce, and substantive due process and equal protection rights. The author concludes that to improve access to and use of public electronic information, governments must make the electronic formats available, where they exist, and provide for and promote diversity of sources and channels for information. While governments are not prohibited from charging for access to public information, to recover the costs of providing access, governments should base pricing on the marginal cost of access to the basic or "raw" content collected and assembled as part of the agency's statutory mandate, and the marginal cost of the agency's value-added elements if any, allowing the private sector to obtain access to and use of the public data at the agency's marginal cost and to add value that may be protected by intellectual property laws and priced according to market dictates. Government policy should avoid providing value-added access on any basis other than a competitive marketplace, and avoid extending its traditional monopoly on basic or "raw" public content into the private markets.

Petersen, Barbara A., and Charlie Roberts. "Access to Electronic Public Records." 22 *Florida State University Law Review* 443 (1994).

Presents a good overview of the Florida laws regarding public access to government documents, including a breakdown of how costs are determined and in what format the record can be given to the public, and describes how these laws are applied to electronic records. The creation of barriers to this information, both deliberate and accidental, and the legal consequences of these actions are discussed. Outlines the Florida Electronic Records Bill.

Report and Recommendations: Encouraging Widespread Public Electronic Access to Public Records and Information Held by State and Local Governments. Olympia, WA: Washington State Department of Information Services and the Washington State Library, 1995. <<http://olympus.dis.wa.gov:70/1s/pub/access/access.asp>

This is the final report of Washington's Public Information Access Policy Task Force to the state legislature and governor. The task force was formed to identify specific means and implementation strategies for establishing widespread electronic access to public records (without providing the services a commercial vendor would supply), while protecting the privacy of citizens. The report identifies the potential benefits of and concerns arising from access to electronic public records. Recommendations include emphasizing the importance of electronic access, agency collection and retention of only the information necessary for governmental operations, minimization (or elimination) of direct costs for public access (with at least one avenue of no-cost public access), accommodation of multiple delivery systems and technologies (emphasising statewide technology standards), and emphasising education and use of intuitive locator tools. The report sets out technology and cost considerations for implementing electronic access, and describes laws and policies affecting public access.

Saxby, Stephen. "Public Information Access Policy in the Digital Network Environment." 3 *International Journal of Law and Information Technology* 49 (Spring 1995).

Discusses the current policies regarding electronic access to government information in Europe and compares these policies to the United States. This article looks at the creation of the digital network and the implications this has had and will have both on the access to government material and the development of new policies in these areas. Describes the implications for governments if the policies are not clearly written. An interesting overview of the issue of electronic access for a different perspective.

Shapard, Rob. "Information Superbyways: Cities and Counties Get Plugged In; Fiber Optics, Electronic Gateways, Automated Messaging and Turnkey Radio Systems Help Improve Efficiency." 111 *American City and County* 20 (February 1996).

This article describes the steps that cities and communities around the nation are taking to provide access to electronic resources to the local citizens. These programs are designed to help the public interact with the government as well as eliminate the need for personal contact with government employees. Provides examples of some of the services different communities are offering and the public reaction to these new resources.

Shaw, Russell. "Record Fees." 16 *American Journalism Review* 44 (November 1994).

A conflict over granting news organizations access to computerized government records is detailed. Government agencies want to be compensated for labor-intensive searches, but the expense can be prohibitive.

Sorokin, Leo T. "The Computerization of Government Information: Does It Circumvent Public Access Under the Freedom of Information Act and the Depository Library Program?" 24 *Columbia Journal of Law & Social Problems* 267 (1991).

This article begins by outlining the Freedom of Information Act and discussing the problems that are now being caused by the increase in electronic records. Explores some of issues being raised, including does the government have to provide access to electronic information, and in what format. The article then goes on to discuss the role of electronic records in the Federal library depository system. The use of electronic records in other governmental agencies are described and their problems evaluated. The article concludes by re-examining the FOIA and how it can be used to regulate access to electronic records and possible changes to the law are discussed.

Splichal, Sigman L. *The Evolution of Computer/Privacy Concerns: Access to Government Information Held in the Balance*. AEJMC [Association for Education in Journalism and Mass Communication] National Convention, Washington, D.C., August, 1995.

This paper discusses the evolution of legislative concerns about privacy and government use of computers. The author briefly examines the development of computer technology, and describes the skepticism expressed in the popular media regarding the impact of the technology on personal privacy. The author then discusses the growing privacy concerns in Congress beginning with the mid-1960's National Data Center proposals and leading to the Privacy Act of 1974 and subsequent computer and privacy legislation. The author concludes that Congressional and public concerns about privacy reflect distrust of technology, and have significantly affected federal information policy, potentially at the expense of competing and important policy values such as public access to government information. The author suggests proponents of access to public data must understand the

policy impact of the concern for privacy, and that the Freedom of Information Act may need to be revised to ensure access in the computer age.

Stillman, Neil J. and Norman Oslik. "Working with the Public to Ensure Public Access to Federal Information in an Electronic Age: Proceedings of the Fifth Solomons Interagency Conference on Public Access, June 27-29, 1994." *12 Government Information Quarterly* 163 (1995).

Cosponsored by the U.S. Department of Health and Human Services and American Society for Information Science, the conference focused on the impact of changing technologies and theories of "reinventing" government on setting and implementing policy for public access to federal information. The article summarizes the recommendations of the conference's five working groups, comprised of federal agency, civic, legal, industrial, and library organization participants and the public, on issues in: meeting federal agency customer needs and setting service standards; cooperation between different levels of government; restrictions on access and use of public data; the role of intermediaries (value-added businesses, libraries, and community networks); and the impact of communication technologies on the interactions between government and the public. An appendix describes the work groups' issues, discussions and recommendations in somewhat greater detail.

Study to Identify Measures Necessary for a Successful Transition to a More Electronic Federal Depository Library Program. Washington, DC: U.S. Government Printing Office, 1996. <http://www.access.gpo.gov/su_docs/dpos/rep_cong/efdlp.html>

This is the final Government Printing Office report to Congress on the Federal Depository Library Program (FDLP), pursuant to the Senate Report accompanying Public Law 104-53. The report sets out several principles for federal government information that guided the study, and defines a number of key issues identified during the study: revision of governing statutes to explicitly include electronic formats and assure authenticity; changing the roles of GPO, depository libraries, and federal agencies; requirements for permanent access and preservation; technical standards for formats and systems; development of locator services; mechanisms for including access to fee-based services; avoidance of copyright-like restrictions on use of information; and incentives for agency compliance with the FDLP. The report then discusses seven goals for an electronic FDLP from the perspectives of both the historical FDLP and GPO's strategic plan for FDLP: ensure equitable, no-fee public access to government information; use new technologies to improve access to information; provide information in appropriate formats; improve the public's ability to locate information; ensure both current and permanent access to information; facilitate preservation of information; ensure a cost-effective FDLP. The report reaches a number of conclusions regarding the goals and key issues. An extensive appendix of attachments includes the FDLP strategic plan, and the study's task force reports. Task 9B, included in the appendix, is a case study on federal circuit and district court opinions, and evaluates options for including access to electronic federal court opinions as part of or through the FDLP.

Williams, Fredrick. *The People's Right to Know: Media, Democracy, and the Information Highway.* Erlbaum, 1993.

An interesting book that provides an overview on how the changes in technology will effect the way the public accesses the government, both information published by the various agencies as well as the agencies themselves. Describes the programs being

developed at the federal, state and local levels and notes public reactions if possible to these new services.

CITATION STANDARDS

ABA Special Committee on Citation Issues: Report and Recommendations. Chicago: American Bar Association, 1996. <<ftp://ftp.abanet.org/pub/citation/5-23rpt.txt>>

The ABA report states that adoption of a new citation method is essential to allow electronic publication of case reports to reach its full potential, citing substantial developments in improving the speed of publication, the potential electronic publishing offers for significantly reducing the physical bulk of case reports, and the potential for reducing the costs of making legal research material available. The committee recommended that courts adopt a universal citation system, equally adaptable to printed and electronic case reports and thus "medium neutral," using sequential decision numbers for each year and internal paragraph numbers within the decision, assigned by the issuing court and included in the decision at the time it is made publicly available by the court. The committee also recommended that parallel citations to commonly used print sources be strongly encouraged. This is the version of the report and recommendations submitted to the ABA Board of Governors and House of Delegates at the August 1996 annual meeting.

American Association of Law Libraries Task Force on Citation Formats: Report. Chicago: American Association of Law Libraries, March 1, 1995. <http://www.aallnet.org/committee/citation/task_force.html>

The AALL Task Force Report discusses purposes and principles of legal citation form; sources of authority for legal citation form; the changes resulting from the advent of online databases, CD-ROM format, bulletin board systems, and the Internet; and jurisdictional responses to these changes. The report states that citation form is connected to intellectual property issues of ownership of published law, public access to the law, and the concept of public domain databases, discusses citation form in light of these issues, and discusses the pros and cons of some existing proposals. The report recommends a form based on case name, year, court, opinion number, and paragraph number, and use of paragraph numbers for pinpoint citations, and sets out issues for jurisdictions considering citation change, including immediate numbering of paragraphs in judicial decisions.

Barger, Robert W. "Technology Section Examines Electronic Citations: The Electronic Data Interchange Committee is Identifying the Issues Arising from New Access to Case Law." 16 *National Law Journal* C8 (August 8, 1994).

This article reports the progress the ABA committee on EDI has made in developing a standard for electronic case citations. There is a discussion on the importance of having a standard and how the current print standard could be applied to the electronic format. The new standard has not yet be developed, but there is a report being published by the committee detailing the proposed new citation standards.

Hammitt, Harry. "Online Judicial Opinions Need a Public-Domain Format." *Government Technology* (September 1995). <http://www.govtech.net:80/1995/gt/sep/online_j.htm>

A brief discussion of the problems involved with the new citation forms that are being created as people obtain legal documents via the Internet and other electronic formats. Describes the previous styles of citations and looks at how the electronic cites should be integrated into the current system.

In the Matter of Supreme Court Rules: Electronic Archive of Appellate Opinions, Rules and Orders, Citation of Wisconsin Appellate Opinions: SCR 80.01 and 80.02. Madison, WI: Wisconsin Supreme Court, 1995.

<<http://ming.law.vill.edu/chron/news/transcrp.htm>>

This is the transcript of a hearing before the Wisconsin Supreme Court on March 21, 1995, to amend the Supreme Court's rules to provide for a permanent official electronic archive of appellate court opinions, and for a vendor-neutral, or public domain, system of citation to state appellate opinions. The hearing included representatives of and attorneys in the State Bar of Wisconsin and local bar associations; the Wisconsin Judicial Council and the Wisconsin bench; Wisconsin's Revisor of Statutes; out-of-state attorneys; law librarians and representatives of the American Association of Law Libraries; and publisher representatives, including the American Association of Legal Publishers, Law Office Information Systems, Shepard's/McGraw Hill, West Publishing Co., Lawyers Cooperative Publishing. The transcript is an excellent source for the different views between, and among, the various groups who have interests in access to fundamental legal resources.

Kloppenber, Lisa A. "The Public Interest in the Work of the Courts: Opinions and Beyond." *75 Oregon Law Review* 249 (1996).

The author suggests a close connection between the issues of vendor-neutral (or public domain) citation systems for the courts, and "ownership" of previously rendered court opinions which parties to the underlying suit want vacated pending appeal. The author states that differing resolutions of the vacatur issue reveal tension between competing models - a case processing model and a law articulation model - of court roles, and discusses the opposing resolutions of the vacatur issue in a California Supreme Court and a U.S. Supreme Court case. The author concludes courts must perform both roles, emphasizing one or the other role depending upon the substantive issue involved and the level of the court within the judicial system. The author views the U.S. Supreme Court decision's emphasis on the public interest as lending support to, and an opportunity to debate, the argument for greater access to not only court opinions (as through a vendor-neutral citation system), but also to other adjudication related activities traditionally considered by the parties and the courts to be private: discovery; unpublished, depublished, and selectively published decisions; settlements and status conferences; and alternative dispute resolutions.

Proposed Citation System for Wisconsin: Report to Board of Bar Governors Technology Resource Committee. Madison, WI: Wisconsin State Bar (June 22, 1994).

<<http://www.law.cornell.edu/papers/wiscite.overview.htm>>

This report and its recommendations were prepared by a sub-committee of the Technology Resource Committee, and was approved by the Bar Board of Governors. The report was prepared pursuant to a resolution of the Wisconsin State Bar, advocating

enhancement of the existing system of case reporting to accomplish publishing Wisconsin case law in electronic form. The report proposed adoption of a "vendor neutral" and "medium neutral" citation system for Wisconsin case law, and establishment of an official repository of opinions. A "vendor neutral" and "medium neutral" citation system would facilitate the use of new technology and the entrance into the market of new publishers, simplify the present citation system for the practitioner, principally by abolition of parallel citations, and make citations depend on characteristics inherent in court opinions rather than on the practices of private publishers. A state archive of Wisconsin case law would make opinions directly available to all publishers and to the public, and the state, rather than private publishers, would "own" the final text of published case law.

Shimpock-Vieweg, Kathy. "Citation Reform: The Time is Now." 33 *Arizona Attorney* 10 (August/September 1996).

This article describes the genesis of the citation reform issue, summarizes the viewpoints of the key parties to the debate (such as Taxpayers Assets Program, American Association of Law Libraries, American Bar Association, and West Publishing Co.), and discusses key citation proposals before the Wisconsin supreme Court and the American Bar Association. The author concludes that citation reform is a key to continued development of public domain databases, and realizing the potential for increased competition and cost savings in the legal publishing market.

User Guide to the AALL Medium Neutral Citation - Draft Release 2.2: Case Citations. Chicago: American Association of Law Libraries, February, 1996.

<<http://info.law.utah.edu/citation.html>>

Guidelines for citing American judicial decisions using the American Association of Law Libraries (AALL) medium neutral citation. Examples of full basic citation forms, and each element of the citation, are illustrated and discussed, and an appendix of geographic and court name abbreviations is included. The guide states that for issues not addressed, the most current edition of the *Uniform System of Citation* should be followed.

Wyman, James H. "Freeing the Law: Case Reporter Copyright and the Universal Citation System." 24 *Florida State University Law Review* 217 (1996).

This comprehensive article begins by providing readers with a historical overview on how cases were copyrighted in the past and when and how west publishing entered into the picture. The impact West has had on the publishing of cases and law in the United States and what impact the electronic age has had on their monopoly. Wyman then outlines the new universal citation system and how this new form will work. Current uses of the system in Wisconsin and Florida are analyzed and the impact for the courts and the users are discussed. Wyman concludes that the new system is easy to use, has no real negative ramifications for the courts and should be adopted as soon as possible.

COURTS ON THE WORLD WIDE WEB

ALASKA

Alaska Court System: <http://www.alaska.net/~akctlib/homepage.htm>

This site contains everything from the Alaska Court System although some of it requires a zip file to access it. You can access slip opinions, rules of court, statutes, and superior and appellate court decisions.

Touch N Go Systems Search Engine for Alaska Supreme Court Opinions:
<http://touchngo.com/cgi/spsearch.exe>

Provides a key word search of Alaska Supreme Court opinions.

ARIZONA

Arizona Court of Appeals, Division 2: <http://www.apltwo.ct.state.az.us/decis.html>

Home page for Arizona Court of Appeals, Division 2. This site contains only recent decisions.

ARKANSAS

Arkansas Judiciary Home Page: <http://www.state.ar.us/supremecourt/>

Site contains general information and opinions of the Supreme Court and Appellate Court.

Daily Record Home Page: <http://www.nerosworld.com/dailyrecord/>

This site contains the Supreme Court and appellate court decisions for Arkansas

CALIFORNIA

California State Home Page: <http://www.ca.gov/>

This is the state home page. This site contains information links to the statutes, recent decisions, and legislative information.

California Judicial Branch: <http://www.courtinfo.ca.gov/>

California Judicial Branch home page complete with opinions from the Supreme Court and appellate courts as well as general information on other courts.

Orange County Superior Court Page: <http://www.oc.ca.gov/superior/>

Orange County Superior Court page containing information about courts and the court rules as well as some court documents.

Riverside Superior and Municipal Court Page: <http://www.co.riverside.ca.us/depts/courts/>

Riverside Superior and Municipal Court page that provides the court rules for superior and municipal court and information on services and departments within the courts.

Sacramento Superior & Municipal Courts Home Page: <http://www.sna.com/courts/>

Sacramento Superior and Municipal court rules and information about the courts.

Marin County Court Home Page: <http://midas.org/mc/courts/index.html>

Marin County court page complete with rules of court and court calenders.

Los Angeles Municipal Court Home Page: <http://www.lamuni.org/>

Los Angeles Municipal Court complete with court rules and general information.

Malibu Judiciary Home Page: <http://www.co.la.ca.us/courts/malibu/>

Malibu Municipal Court complete with court rules and general information.

City of San Jose Home Page: <http://www.ipac.net/csj/>

City of San Jose home page which includes the municipal code.

Ventura County Superior and Municipal Courts Home Page:
<http://www.ventura.org/courts/vencrts.htm>

Provides access to information about the Superior and Municipal Courts in Ventura County, including how to file, where to file, etc.

Stanislaus County Superior and Municipal Courts: <http://www.co.stanislaus.ca.us/courts/>

Provides information about the courts, i.e. calendars, civil filings, arbitration, small claims, etc.

COLORADO

Colorado State Courts Home Page: <http://www.rmii.com/slv/courts/colcts.htm>

Excellent site with information on Colorado statutes, court rules and the state's courts. Also contains links to other legal research sites.

FLORIDA

JOSHUA - Florida Judiciary Page: <http://justice.courts.state.fl.us/>

Excellent Florida Supreme Court site with reference information and information on the courts within Florida.

Supreme Court of Florida Opinions: <http://nersp.nerdc.ufl.edu/%7Elawinfo/flsupct/>

Contains searchable Florida supreme court opinions provided by the University of Florida College of Law.

Brevard County Clerk of the Circuit Court Home
Page: <http://www.clerk.co.brevard.fl.us/pages/courts.htm>

Provides information about the County Courts' calendars, jury information, Clerk of the Court information for the public.

GEORGIA

Georgia Supreme Court Home Page: <http://www.state.ga.us/Courts/Supreme/>

Provides information about the Supreme Court rules and the Appellate Court rules, gives case summaries, and displays the court calendar.

HAWAII

Hawaii Courts Home Page: <http://www.hsba.org/Hawaii/Court/cour.htm>

Hawaii Supreme court home page that is under construction. It does not have links to opinions yet but it will.

IDAHO

Idaho Judicial Branch Home Page: <http://www.state.id.us/judicial/judicial.html>

Contains the opinions of the Supreme Court and Appellate Court as well as information about the court rules and personnel for the Idaho courts.

ILLINOIS

Illinois Court Reports Home Page: <http://www.prairienet.org/fordiroq/law/>

Contains the Illinois supreme court reporter and the appellate reporter.

Recent Illinois State Court Opinions: <http://www.illinoisbar.org/Slips/home.html>

Contains Illinois supreme court and appellate court opinions provided by the Illinois State Bar.

INDIANA

Indiana Judicial Decisions: <http://www.law.indiana.edu/law/incourts/incourts.html>

A searchable site for Indiana court decisions provided by the Indiana School of Law - Bloomington.

KANSAS

Kansas Judicial Center: <http://www.law.ukans.edu/kscourts/kscourts.html>

Contains access to Supreme Court and Court of Appeals opinions as well as information about the courts, child support guidelines and attorneys in Kansas. This page is provided by the University of Kansas.

KENTUCKY

Fayetteville County Courts Home Page: <http://www.iglou.com/fayettects/>

Provides information on the separate courts within Fayetteville County and the services they provide.

LOUISIANA

Supreme Court of Louisiana Home Page: <http://www.gnofn.org/~lasc/>

Provides information on the Louisiana Supreme Court, opinions of the courts from February 28, 1996 to the present, the personnel, and some information on the rules of court.

MAINE

State of Maine Judicial Branch Home Page: <http://www.courts.state.me.us/>

State of Maine Judicial Branch home page includes a directory of courts, schedule of court fees, court publications, and information about the court as well as court opinions since January 1, 1997.

MARYLAND

Maryland Court System Home Page: <http://www.courts.state.md.us/>

State of Maryland Court system home page provides links to all the courts in Maryland, some with opinions, as well as other court information.

MASSACHUSETTS

Massachusetts Court System Home Page: <http://www.state.ma.us/courts/courts.htm> or <http://www.magnet.state.ma.us/courts/courts.htm>

Massachusetts Court System home page provides links to the Appeals Court, Administrative Office of the Trial Court, Boston Municipal Court, District Court, Housing Court, Juvenile Court, Land Court, Probate and Family Court, Superior Court, Office of Jury Commissioner, and Office of Commissioner of Probation.

Social Law Library - Court Opinions: <http://www.sociallaw.com/>

Social Law Library site for court opinions for Massachusetts.

Lawyers Weekly Publications - Court Opinions: <http://www.lweekly.com/masslaw.htm>

MassLaw - a Massachusetts site for court opinions produced by Lawyers Weekly Publications.

MICHIGAN

Michigan Court of Appeals Opinions: <http://www.umich.edu/~icle/mictapp/index.htm>

Michigan Court of Appeals opinions from August 1, 1996 to present. Keyword searchable.

Michigan Supreme Court Opinions: <http://www.umich.edu/~icle/misupct/index.htm>

Michigan Supreme Court opinions from October 1, 1995 to present. Keyword searchable.

Calhoun County Courts Home Page: <http://courts.co.calhoun.mi.us/>

Provides links to information about the various courts of Calhoun County and their individual local court rules.

MINNESOTA

Minnesota State Court System: <http://www.courts.state.mn.us/>

Minnesota State Court System home page provides links to supreme court and court of appeals opinions as well as information about the court system and links to other court information for Minnesota.

Finance and Commerce, Appellate Courts Edition: <http://www.finance-commerce.com/court/acehome.htm>

Finance and Commerce, Appellate Courts Edition, first news of new case law from Minnesota courts. Provides published and unpublished decisions of the Supreme and Appellate Courts of Minnesota.

MISSISSIPPI

Mississippi Supreme Court Home Page: <http://www.mslawyer.com/mssc/>

Mississippi Supreme Court home page includes all Mississippi Rules of practice, opinions of the Supreme Court and Court of Appeals, directories and information which may be of interest to the Courts. Keyword searchable on opinions page.

Home Page of the Chancery Clerk, Leflore County:
<http://www2.netdoor.com/~adams/leflore.html>

Home page of the Chancery Clerk, Leflore County. Provides links to the Chancery Court, court rules, Supreme Court, forms, terms of court, and more. The page for the Chancery Court is still under construction.

MISSOURI

Supreme Court of Missouri Home Page: <http://www.state.mo.us/sca/mosupct.htm>

Supreme Court of Missouri home page provides information about the court dockets, monthly dispositions, the judges, as well as links to other Missouri resources (Clerk's Office, Examiners office, Supreme Court library).

MONTANA

Montana State Law Library - Montana Supreme Court Decisions:
<http://161.7.121.6/MTLEGAL.HTM>

Links to Montana Supreme Court decisions (current months), Montana State Constitution and Code, as well as other information. Provided by the Montana State Law Library.

NEW HAMPSHIRE

New Hampshire Supreme Court Home Page: <http://www.state.nh.us/courts/supreme.htm>

New Hampshire Supreme Court home page. Provides slip opinions since November, 1995. This site is still under construction and will eventually provide access to more court opinions through searchable indices.

NEW JERSEY

New Jersey Judiciary Home Page: <http://www.state.nj.us/judiciary/index.html>

New Jersey Judiciary home page contains information about court operations, and about available court programs and services throughout the state.

NEW MEXICO

Second District Court of New Mexico: <http://www.cabq.gov/cjnet/dst2alb/>

The Virtual Court-House, the Second District Court of New Mexico home page provides links to the local court rules, state statutes, as well as information about the court, judges and the different divisions of the court.

NEW YORK

New York Law Journal: <http://www.ljextra.com/public/daily/DECapdNODE.html>

Opinions of some of the Appellate Divisions in New York, provided by *New York Law Journal*.

Cornell University - Court Of Appeals Decisions:

<http://www.law.cornell.edu/ny/ctap/overview.html>

New York Court Of Appeals Decisions web page provided through Cornell University. Search by keyword or alphabetical.

New York State Unified Court System: <http://nyslgti.gen.ny.us/empireweb/OCA/>

Provides Court of Appeals Court Rules link, information about the courts, a link to Court publications, as well as other information.

NORTH CAROLINA

North Carolina State Government News Service - Court of Appeals opinions:

<http://www.nando.net/insider/appeals/appeals.html>

N.C. Court of Appeals opinions issued on particular dates. Provided by the North Carolina State Government News Service.

North Carolina State Government News Service - Supreme Court opinions:

<http://www.nando.net/insider/supreme/supco.html>

N.C. Supreme Court opinions issued on particular dates. Provided by the North Carolina State Government News Service.

North Carolina Judicial Branch: <http://www.aoc.state.nc.us/>

The North Carolina Judicial Branch home page provides links to the various courts in North Carolina (including opinions of both the Supreme and Appeals Courts) as well as links to other resources.

Keyword Searching for Supreme Court Opinions (Gopher):

<gopher://gopher.nih.gov:70/7waissrc:/tun/wais/n/nc-supreme-court.src>

Keyword Searching for Supreme Court Advance Sheets (Gopher):

<gopher://gopher.sunsite.unc.edu:70/7waissrc%3A/ref.d/indexes.d/nc-supreme-court.src>

Supreme Court Opinions by Date (Gopher):

<gopher://gopher.uiuc.edu:70/1ftp:SunSite.unc.edu/@/pub/Politics/nc-supreme-court/>

NORTH DAKOTA

North Dakota Supreme Court Home Page: <http://sc3.court.state.nd.us/>

North Dakota Supreme Court Home Page provides links to opinions of the court, information about the court and court rules and links to information about the District Court.

OHIO

Cleveland Law Library - State Court Decisions:
<http://www.clelaw.lib.oh.us/public/decision/decision.htm>

Ohio state court decisions provided by the Cleveland Law Library.

Marietta Municipal Court Home Page:
http://ourworld.compuserve.com/homepages/marietta_muni_court/

Marietta Municipal Court home page provides information about the court and court services. No opinions are given.

Ohio Montgomery County Common Pleas Court Home Page:
<http://www.ncsc.dni.us/court/montgom/homepage.htm>

Ohio Montgomery County Common Pleas Court home page provides information about the court. No opinions are given. Includes text of local court rules.

Supreme Court of Ohio Home Page: <http://www.sconet.ohio.gov/>

Supreme Court of Ohio home page provides links to the opinions of the court.

OKLAHOMA

Court of Criminal Appeals Home Page:
<http://www.oklaosf.state.ok.us/osfdocs/mainpage.html>

Court of Criminal Appeals home page provides information about the court, but no opinions.

Oklahoma Public Legal Research System: <http://www.onenet.net/oklegal/>

The Oklahoma Bar Association provides a searchable database of Oklahoma Supreme Court Opinions, Court of Appeals, Court of Criminal Appeals, Attorney Generals Opinions, Attorney Generals Unpublished Opinions, and Merit Protection Opinions.

OREGON

Willamette University College of Law, Willamette Law Online - Supreme Court Decisions: <http://www.willamette.edu/law/wlo/>

A service of Willamette University College of Law and Willamette Law Online, this page provides access to Supreme Court decisions and court media releases. The page is not current.

PENNSYLVANIA

Administrative Office of the Courts Home Page: <http://www.cerf.net/penna-courts/>

Home page for the Administrative Office of the Pennsylvania Courts. Provides links to court information (i.e. Supreme Court, District Justice Courts, and Commonwealth) and information about the court process and public access to information.

RHODE ISLAND

Rhode Island State Bar - Rhode Island Court Opinions:
<http://www.ribar.com/Courts/courts.html>

Rhode Island Court opinions provided by the Rhode Island State Bar.

SOUTH CAROLINA

South Carolina Judicial Branch: <http://www.state.sc.us/judicial>

The South Carolina Judicial Branch home page currently provides a link to the Supreme Court opinions through University of South Carolina. The page is still under construction.

University of South Carolina Law Library - Supreme Court Decisions:
<http://www.law.sc.edu/opinions/opinions.htm>

A searchable page of Supreme Court decisions provided by the University of South Carolina Law Library.

SOUTH DAKOTA

State Bar of South Dakota - Supreme Court Opinions:

<http://www.sdbar.org/opinions/index.htm>

South Dakota Supreme Court opinions are provided by the State Bar of South Dakota.

TENNESSEE

16th Judicial District Home Page: <http://www.mtsu.edu/~jdaniel/legal.htm>

16th Judicial District Home Page provides court docket information and court information. No opinions are given.

Tennessee Administrative Office of the Courts Home Page: <http://www.tsc.state.tn.us/>

Tennessee Administrative Office of the Courts home page provides links to listings of currently available opinions, including Court of Appeals, Court of Criminal Appeals, and Tennessee Supreme Court Opinions, as well as links to other items of interest in the Tennessee court system.

TEXAS

Eighth Court of Appeals: <http://www.8thcoa.courts.state.tx.us/>

Eighth Court of Appeals home page provides information about the court, court rules and other information. Court opinions are only available through contract.

Texas Court of Criminal Appeals: <http://www.window.state.tx.us/txgovinf/txcoca.html>

Opinions of the Texas Court of Criminal Appeals.

Harris County District Courts: <http://www.harris-co.courts.state.tx.us/~hcdc/>

Provides local rules for criminal, civil, family law, and juvenile courts divisions; criminal and civil district court dockets; prototype and demo electronic casefolder and intake; and other information related to the Harris County courts and government.

UTAH

Utah State Court System: <http://www.state.ut.us/legal.htm> or
<http://courtlink.utcourts.gov/>

Utah State Court System provides links to court opinions, court forms, court information and more. It is currently under construction.

VERMONT

Environmental Court: gopher://dol.State.Vt.Us:70/11gopher_root5%3a%5benvlaw%5d

Gopher menu of the Environmental Court opinions.

Supreme Court opinions: gopher://dol.state.vt.us:70/11Gopher_root3%3a%5bsupct%5d

Gopher menu of the Supreme Court opinions.

Supreme Court opinions:

http://dol.state.vt.us/WWW_ROOT/000000/HTML/SUPCT.HTML

Provides access to Vermont Supreme Court opinions from vol. 162 of the Vermont reports to the most recent cases .

Vermont Judiciary Home Page: <http://www.cit.state.vt.us:80/courts/>

Vermont Judiciary Home Page provides information about the various courts of Vermont. No opinions are given.

VIRGINIA

Virginia Bar - Supreme Court Opinions: <http://www.vacle.org/opinions/caselist.htm>

Opinions of the Supreme Court of Virginia provided by the Virginia Bar.

Virginia Beach Court System: <http://members.aol.com/vbcircourt/homepage.html>

Virginia Beach Court System home page provides links to information about the Virginia Beach court system. No opinions are given.

WASHINGTON

Washington State Courts: <http://www.wa.gov/courts/>

Washington State Courts page provides links to information about the courts of Washington, information about court related services, and links to court opinions.

WISCONSIN

Wisconsin Bar Association Legal Resources Menu: <http://www.wisbar.org:80/legalres/>

Wisconsin Bar Association legal resources menu provides links to Wisconsin Supreme Court decisions, Court of Appeals decisions as well as court rules and other resources.

WYOMING

Wyoming State Supreme Court: <http://courts.state.wy.us/>

Wyoming State Supreme Court home page provides links to supreme court decisions, and information. It also provides links to the Court rules and the state law library.

FEDERAL COURTS

U.S. SUPREME COURT

Cornell University Law School: <http://www.law.cornell.edu/syllabi>

Search summaries of U.S. Supreme Court opinions and orders archived at the Case Western Reserve University FTP site.

U.S. CIRCUIT COURTS OF APPEALS

U.S. Circuit Court of Appeals, 1st Circuit:
<http://www.law.emory.edu/1circuit/1casearch.html>

1st Circuit opinions, provided by Emory University Law School.

U.S. Circuit Court of Appeals, 2nd Circuit: <http://www.tourolaw.edu/2ndSearch.html>

2nd Circuit opinions, provided by Touro Law Center.

U.S. Circuit Court of Appeals, 3rd Circuit: <http://www.law.vill.edu/Fed-Ct/search.ca03.html>

3rd Circuit opinions, provided by Villanova Center for Information Law and Policy.

U.S. Circuit Court of Appeals, 4th Circuit: <http://www.law.vill.edu/Fed-Ct/search.ca03.html>

4th Circuit opinions, provided by Emory University Law School.

U.S. Circuit Court of Appeals, 5th Circuit: <http://www.law.utexas.edu/us5th/us5th.html#full>

5th Circuit opinions, provided by University of Texas Law School.

U.S. Circuit Court of Appeals, 6th Circuit: <http://www.law.emory.edu/6circuit/6casearch.html>

6th Circuit opinions, provided by Emory University Law School.

U.S. Circuit Court of Appeals, 7th Circuit: <http://www.law.emory.edu/7circuit/7casearch.html>

7th Circuit opinions, provided by Emory University Law School.

U.S. Circuit Court of Appeals, 8th Circuit: http://www.wulaw.wustl.edu/cgi-bin/8th_byname.pl

8th Circuit opinions, provided by Washington University Law School.

U.S. Circuit Court of Appeals, 9th Circuit: <http://www.law.vill.edu/Fed-Ct/search.ca09.html>

9th Circuit opinions, provided by Villanova Center for Information Law and Policy.

U.S. Circuit Court of Appeals, 10th Circuit: <http://www.law.emory.edu/10circuit/10casearch.html>

10th Circuit opinions, provided by Emory University Law School.

U.S. Circuit Court of Appeals, 11th Circuit: <http://www.law.emory.edu/11circuit/11casearch.html>

11th Circuit opinions, provided by Emory University Law School.

U.S. Circuit Court of Appeals, Federal Circuit: <http://www.law.emory.edu/fedcircuit/fedcasearch.html>

Federal Circuit opinions, provided by Emory University Law School.

U.S. Circuit Court of Appeals, Federal Circuit: <http://www.ll.georgetown.edu/Fed-Ct/Circuit/fed/search.html>

U.S. DISTRICT COURTS

U.S. District Court for the District of Columbia, Unofficial Home Page:
<http://www.radix.net/~stmon/USDC/ddc.html>

Includes Court rules, opinions and a list of recently filed civil cases.

U.S. District and Bankruptcy Court - District of Idaho: <http://www.id.uscourts.gov/>

Includes weekly court calendars and local court rules for district and bankruptcy courts, Idaho jury and forms information, PACER, BBS and VCIS information, and Pro-Se Manual for litigants without lawyers.

U.S. District Court, Northern District of Mississippi:
<http://sunset.backbone.olemiss.edu/~llibcoll/ndms/>

United States District Court for the Northern District of Mississippi home page with opinions since August 1994 produced by the University of Mississippi Law Library in cooperation with the District Court. Searchable by keyword, party name or date of decision.

U.S. Courts, District of New Mexico: <http://www.nmcourt.fed.us/>

United States Courts, District of New Mexico home page provides links to the U.S. District Court, U.S. Bankruptcy Court, U.S. Probation, U.S. Pretrial Services and the Court Library. Includes login to ACE (electronic filing system), district court master calendar, docket reports (live PACER), local civil, bankruptcy and bankruptcy appellate panel rules, bankruptcy clerk's practice and procedure manual. Access to court opinions is in development.

U.S. Courts, Southern District of Texas: <http://www.neosoft.com/~inviso/>

Home page of the Southern District of Texas provides links to court information, court rules, PACER information, and other items of interest. No opinions are provided.

INTERNET ADDRESSES & DATABASES FOR FURTHER RESEARCH

American Association of Law Libraries, AALL Citation Format Committee:
<http://www.aallnet.org/committee/citation/index.html>

Provides access to vendor-neutral citation rules for the 6th Circuit Court of Appeals, Louisiana Appellate Courts, Supreme Court of Colorado, and Supreme Court of Florida; AALL Task Force on Citation Formats Report; ABA Special Committee on Citation Issues; User Guide to the AALL Medium-Neutral Citation.

American Bar Association, Section on Administrative Law and Regulatory Practice:
<http://www.law.vill.edu/Aba/adminlaw.html>

Provides access to OMB Electronic Freedom of Information Act Guidelines, and the 1990 and 1991 Policy Statements on Electronic FOIA and Electronic Dissemination, and sponsors ABA discussion groups through the Legal Domain Network on use of e-mail in negotiated rulemaking, vendor-neutral legal citation system, and the Electronic FOIA OMB guidelines draft and legislation.

Colorado Judicial Branch, Integrated Information Systems:
<http://www.rmii.com/slv/courts/iis.htm>

This site provides access to the executive summary of Colorado's Integrated Criminal Justice Information System, plus additional descriptions of Colorado courts technology projects.

CourtLink: <http://www.courtlink.com/>

CourtLink is an on-line service providing access to "real-time" state and federal court case records in the United States District Courts, United States Bankruptcy Courts, Washington State Superior Courts and Washington State District and Municipal Courts.

Federal Courts' Home Page: <http://www.uscourts.gov/>

Maintained by the Administrative Office of the U.S. Courts on behalf of the U.S. Courts as a clearinghouse for information from and about the Judicial Branch of the U.S. Government. Includes proposed changes to Federal Rules of Practice and Procedure; the Directory of Electronic Public Access Services, providing information on automated access to U.S. federal court information and records; articles from *The Third Branch*; and other information.

HyperLaw, Inc.: Home Page: <http://www.hyperlaw.com/>

HyperLaw is a publisher of electronic legal information products; this site is a good source for documents relating to West Publishing Co. and the proposed West-Thompson merger.

INFO ACCESS: Public Information Access Policy Task Force:
http://www.wa.gov/DIS/OITO/it_manual/index.html

This site provides the final report of Washington's Public Information Access Policy Task Force, as well as task force meeting minutes and other reports, and a Public Access Information Resource List of links to other organizations and documents concerned with public access to electronic government information.

National Center for State Courts Homepage: <http://ncsc.dni.us/ncsc.htm>

This site contains general information about the National Center for State Courts project and contains links to state courts that have Internet access. It also provides a few general articles on other court automation projects.

Pima County Consolidated Justice Courts WEB Server: <http://jp.pima.gov/>

"The Pima County Consolidated Justice Courts has commissioned an initial study of its request to the Arizona Supreme Court for approval of a publicly accessible electronic filing service over the Internet. The conclusion of the preliminary feasibility study is that a website for the filing of initial court pleadings by small claims litigants electronically over the Internet is feasible, useful, and even perhaps offers an improvement over the current system in terms of understandability. If approved by the Supreme Court of Arizona, electronic filing is anticipated to commence on or about January 1, 1997."

PIPER Resources: Public Information in a Digital Age: <http://www.piperinfo.com/>

This site includes the PIPER Letter, providing "original, practical and policy-level assistance" relating to "public information in a digital age," and a directory of links to state and local government resources on the Internet, including Nina Platt's special report and comprehensive directory of state court decisions on the Internet.

The Taxpayer Assets Project: <http://www.tap.org/>

TAP was founded by Ralph Nader in 1988, and devotes part of its efforts to broadening public access to legal information, such as opening up the Department of Justice's JURIS system, increasing electronic dissemination of opinions by courts, supporting adoption of public domain citation systems and smaller entrepreneurial publishers, and monitoring and challenging certain West Publishing Co. practices.

Villanova Information Law Chronicle: <http://www.law.vill.edu/vill.info.l.chron/>

This site provides the full text of numerous articles on technology, Internet, network security and related ics, including the text of the article by Henry H. Perritt, *Electronic Dockets and the Use of Information Technology in Rulemaking and Adjudication*. This article is a good overview on how the courts are using electronics to more effectively collect and disseminate information.

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with questions or comments about this web site.