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**Duquesne University Center for Legal Information/
Allegheny County Law Library
921 City-County Bldg.
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Pittsburgh, PA 15219
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Prof. Frank Y. Liu
Director

Dr. Joel Fishman
Asst. Director for Lawyer Services

September 7, 2010

Mary Jane Phelps, Director
Pennsylvania Legislative Reference Bureau
641 Main Capitol Bldg.
Harrisburg, PA 17120-0033

Ms. Michaele Totino, Esq.
Pennsylvania Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Director Phelps and Ms. Totino:

I am writing this letter in my capacity as President of the Western Pennsylvania Law Library Association and as the Assistant Director for Lawyer Services at the Duquesne University Center for Legal Information/Allegheny County Law Library.

The Joint Committee on Documents has proposed the elimination of the *Pennsylvania Bulletin* and *Pennsylvania Code* in paper as a revision of the provision of 1 *Pa. Code* §1.4 as reported in the 40 Pa.B. 4392 (August 7, 2010), and referred to the Independent Regulatory Review Commission as Regulation ID# 53-8 (IRRC# 2861).

The WPLLA board opposes the elimination of the paper copy based on the public need to access these materials in paper as well as electronically. As members working in a variety of law libraries, both public and private, access to the *Bulletin* and *Code* as primary source materials for proposed and final regulations of our state government's departments and agencies is something that needs to be available to library patrons in all libraries.

The statutory basis for the publication of the *Pennsylvania Code* and *Bulletin* can be found in the state statutes as codified under title 45 of the *Pennsylvania Consolidated Statutes*.

1. 45 Pa.C.S. §701 provides for the creation of the *Code*.

2. 45 Pa.C.S. §721 provides for “the duty of the Legislative Reference Bureau, subject to the policy supervision and direction of the joint committee, to arrange through the Department of General Services for the prompt printing and distribution of the code, the permanent supplements thereto and the bulletin, in the manner and at the times required in accordance with this subchapter and regulations promulgated hereunder.”

3. 45 Pa.C.S. §730(a) provides for the distribution to the (1) “County for the use of its law library” and (3) Law School library which pursuant to rules of court receives copies of reproduced briefs and records filed in the Supreme Court of Pennsylvania.” This includes 12 copies distributed to the State Library, Pennsylvania law schools, and Harvard Law Library. (Rule of Appellate Procedure 3191)

There are three major reasons for NOT distributing just the electronic copy and not the paper copy.

1. The information on the official printed *Code* may be different from the online version as indicated by the note at the bottom of each published online page:

“This material has been drawn directly from the official Pennsylvania Code full text database. Due to the limitations of HTML or differences in display capabilities of different browsers, this version may differ slightly from the official printed version.”

The fact that the two documents may “differ slightly” can be an important distinction when legal disputes depend on wording of official documents. Statutory interpretation is strictly dependable on the printed word as provided for under statutory provisions found in 1 Pa.C.S. §§1901 et seq.

The html online version does not contain the release number, date, and page number of the printed code. This provides important information as to when the Code pages were actually published in terms of performing research on the Code. Users of the Code online will not always use the pdf version and will not know the actual date of publication.

2. Authentication. There is an ongoing movement within the legal community to authenticate official documents’ online. Currently, Pennsylvania online documents have not been authenticated as official and true copies. Until all documents can be proven to be authenticated, elimination of the paper copy which, as pointed out in number 1, may be different from the online version should prevent the elimination of the printed copy.

3. Perhaps most importantly from a user’s point of view and as a working law librarian for more than thirty years, we have a concern for our patrons who use our libraries on a daily basis. Not all patrons have access to computers and come to the library to use paper copies. County law libraries are designated as public law libraries under 42 Pa.C.S. §3724: “All such county law libraries shall be operated in conformity with general rules or rules of the court of common pleas of the judicial district embracing the county and shall be open to the general public.”

Within the past few years there has been the development of the Equal Justice Under Law movement for public law libraries to assist pro se patrons who cannot afford lawyers. There is an

increasing number of Pennsylvania citizens who use the county law libraries to research their cases. Many are not equipped to use computers, or do not want to use computers, and wish to use paper copy of books and magazines. To eliminate the *Bulletin* and *Code* will hurt this growing group of citizens who attend public libraries. This also applies to the general public libraries that also offer these publications to their patrons.

In conclusion, we ask that you do not eliminate the paper copy of the *Code* and *Bulletin* at this time.

Sincerely yours,

Joel Fishman, Ph.D.