



District of Columbia

2007 Report and 2009-10 Update by Lesliediana Jones, George Washington University Law School

OFFICIAL STATUS  No change since the 2007 report	AUTHENTICATION  No change since the 2007 report
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All District of Columbia online sources of law are considered *official*, per 1 DCMR Chapter 3, Rules of the Office of Documents

The District of Columbia is beginning to address the authentication of online legal resources but nothing has yet been implemented.

The Office of the Chief Technology Officer is developing a Public Key Infrastructure to address the need for digital signatures and encryption but has not yet determined standards.

Has the state eliminated the print publication of any of these titles in favor of online only since the 2007 report? No.

Has the state enacted legislation guaranteeing the public's permanent access to state online government information since the 2007 report? Not at this time.

Have courts in your state adopted a medium neutral citation system since the 2007 report? Revised citation rules were put in place in 2009 that do not reflect a medium neutral system.

Have there been any other significant changes to the 2007 state summary? Changes have been integrated into the report below.

The District of Columbia certifies its online statutory code, *Register*, *Municipal Code*, and session laws are *official*. The online copies became official as of January 1, 2009. However, if there is any discrepancy regarding the accuracy of any of these publications, the paper original retained by the Office of Documents and Administrative Issuance (ODAI) or the DC Archives is considered the authoritative version. Both the print and

electronic versions of the *District of Columbia Official Code* are published by West Publishing Company (Thomson West). The *official* print and online versions of the Register, session laws and municipal regulations are published by the Office of Documents and Administrative Issuance, a division of the Office of the Secretary. The D.C. Court of Appeals considers its online opinions *official*.

The District of Columbia, Office of the Chief Technology Officer, while addressing the issue of authentication of online legal resources with digital signatures, has not issued an established standard. After speaking to the various agencies that administer relevant websites, as well as the court office, none indicated that authentication of the legal resources had been considered at their agencies or that they were aware of an imminent plan.

Session laws for the District of Columbia are published in the *District of Columbia Register*, a weekly legal bulletin. The online and print versions are the *official* versions of the session laws. The Office of the Secretary posts an online, portable document format (PDF) version of the print.

The District of Columbia Council has contracted with a private entity, West Publishing Company (Thomson West), to provide the complete online *official* version of the *District of Columbia Official Code*. West has been the publisher of the print *official* version of the code since 2001. A representative at West indicated there is no authentication in place on the site and that there has been no discussion of this issue.

As the District of Columbia is not a *state*, its court structure is different than the fifty states. The court system consists of the Superior Court, which is a court of general jurisdiction, and the District of Columbia Court of Appeals. The D.C. Court of Appeals was established by Congress as the highest court in the District of Columbia in 1970. There is no intermediate court in its court system.

Opinions of the D.C. Court of Appeals are published in the *Atlantic Reporter*, part of West's *National Reporter System*, and the *Maryland Reporter*. Per the office of the Clerk of the Court, the *Atlantic Reporter* is considered the *official* reporter for the court. Opinions (August 1998–current) are posted on the website, which provides a general disclaimer covering all its contents. According to the disclaimer, the site is not warranted as “free of omissions, or error-free.” All opinions posted on the website contain the following notation:

Notice: This opinion is subject to formal revision before publication in the Atlantic and Maryland Reporters. Users are requested to notify the Clerk of the Court of any formal errors so that corrections maybe made before the bound volumes go to press.

Errata and modifications for specific opinions are listed in a separate document on the site. A representative at the D.C. Court of Appeals stated that opinions posted online are

considered *official*. Certain language on the website seems to imply this, particularly the description of published and unpublished opinions of the court, as given on the “Opinions and List of MOJs” web page, which states:

Opinions of the D.C. Court of Appeals may be either published or unpublished. Signed opinions and per curiam opinions are published. Memorandum Opinions and Judgments (MOJs) are not published. Opinions published by this court from mid-1998 to the present are available on this website.

The website is therefore sufficient to inform users when an opinion is considered published, a crucial distinction under applicable court rules.

The *Rules of the District of Columbia Court of Appeals* provide for published and unpublished opinions without specifying the source for *official* publication. “An opinion may be either published or unpublished” and parties or other interested persons may move the court to change the status of an unpublished opinion or the court may do so on its own motion. D.C. Ct. App. R. 36(c). “Unpublished orders or opinions of [the] court may not be cited in any brief, except when relevant [under specified procedures generally concerning prior proceedings in the history of the case].” D.C. Ct. App. R. 28(g).

The compilation of municipal regulations is published as the *District of Columbia Municipal Regulations* (DCMR). The *District of Columbia Register* (DCR), which contains new or amended rules, is the ongoing supplement to the DCMR. The DCMR is published by the government through the Office of Documents and Administrative Issuance (ODAI), a division of the Office of the Secretary.

In 1998, Congress created the Office of the Chief Technology Officer (OCTO) to aid the District in creating and implementing key information technology initiatives. The *District of Columbia Code*, under sections 28-4916 and 28-4917, allows agencies to create, accept and distribute electronic documents. The OCTO authored a document titled *Information Technology Strategic Plan for the District of Columbia, 2002-2004*, which outlines its goals for transforming the government’s information technology structure. To date, it has implemented many of the goals outlined in that plan toward online dissemination of government information.

The plan mentions a public key infrastructure (PKI) as one of the cornerstones of the security systems. Currently, the OCTO website indicates it is “developing a Public Key Infrastructure (PKI) to address agency needs for encryption, digital signature, and secure remote access.” It appears that when it is developed it will become the standard for all of the District of Columbia agencies.