

Digitizing the Utah Code Annotated (UCA) During the COVID-19 Pandemic

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When Utah's three law libraries closed their doors in late March due to the Coronavirus pandemic, Utah's legal practitioners, particularly those in small or solo practice; legal researchers, including law faculty and students; and Access to Justice practitioners, particularly those serving immigrants and family law clinics, lost access to historical versions of the Utah Code Annotated (UCA), which currently exists only in print form at these three libraries.

Losing access to the UCA posed significant challenges to anyone who needed to see what the laws of Utah – and the annotations that help define and describe these laws - looked like in a particular time period. For example, the attorney for a domestic abuse survivor needs to know how Utah laws - and the cases provided in the annotation - defined sexual assault for married couples in 1995, in order for him to argue a case against her husband, whom she claims assaulted her in 1995. An immigration lawyer, whose client faces imminent deportation, needs to know what a 2008 Utah employment statute - and the law reviews written about the statute - said about work visas, or reporting regulations in order for her to defend her client's actions during that time. A pro se (self-represented) patron who needs to argue before a judge why his felony charge should be brought down to a misdemeanor, must have access to the 2002 Utah Statute - and an annotation referring to a legal Restatement - which defines why his 2002 offense was a lesser crime.

The need for access to the UCA was evident even before the pandemic. Each month, the Faust Law Library records dozens of patron requests for the UCA in its reference transaction software. When the libraries closed during the pandemic, phone calls and emails from attorneys and pro se's became more voluminous and urgent in their tone. Brigham Young University's Law School reported triple the requests they usually received for the UCA; the Utah State Law Library reported that they had so many requests for the UCA that they increased the number of staff dedicated to fulfillment of requests for the UCA. We at the Faust Law Library noticed approximately double the requests for the UCA that we normally received.

Digitizing the UCA and making it freely available online alleviated the loss of access to the UCA for the vast majority of these patrons.

People need the UCA because it is an enhanced version of the Utah Code containing value-added research assets at the end of each code section (these are the annotations) that contain a complete list of amendments to the code section, and references to case law interpreting the code section. The case law listed in the annotations is primary law and essential to proper and complete interpretation of the law in the code section. One attorney who was recently asked how the UCA facilitates his research describes it this way:

“I need [the Utah Annotated Code] to access the version that was in effect at a relevant time and is applicable to a matter/dispute, for example, at the time of a contract formation. I also use it to track changes in the legislation for purposes of interpretation. The second reason is the presentability and ease of analysis. I can track down changes of certain sections through session laws, but the amendments standing alone, especially when mixed with many other irrelevant piecemeal amendments, are not very presentable when submitted to the court.”

The library patrons who were unable to access the UCA at this time tended to work in small or solo law firms, resided in remote, rural communities, were self-represented litigants navigating an already complex legal system, were handicapped and homebound, or were incarcerated with no access to the Internet and could no longer send a proxy, such as a friend or relative into the law library to obtain copies of the UCA for them.

Non-profit legal clinics, representing up to 360,000 eligible clients in Utah’s underserved communities also lost access to historical versions of the UCA. Utah Legal Services, a nonprofit law office serving communities along the Wasatch Front, provides free legal help in civil cases, many of their clients living in remote, rural areas and reliant upon the outreach programs provided by this firm. The Legal Aid Society of Salt Lake “promotes safety, stability and self-sufficiency for low income families and individuals, as well as victims of domestic violence, through effective, efficient legal advocacy and assistance”. The Disability Law Center (DLC) is a private, non-profit organization designated by Utah's Governor as a "Protection and Advocacy (P&A) agency".

During the pandemic, an attorney working for Utah Legal Serves contacted the Faust Law Library looking for historical versions of the Uniform Voidable Transaction Act, a law that strengthens creditor protections by providing legal remedies for them when their debtors engage in unfair transactions. New York State recently adopted a new version of this law to help creditors avoid increased litigation as a result of the coronavirus pandemic.

When we told the attorney that we would be unable to fulfill his request, he replied:

“Thanks for the response, but the State Law Library is closed, and I cannot find the 2016 version of the Utah Code [Annotated] online. The Uniform Fraudulent Transfer Act was replaced by the Uniform Voidable Transaction Act in 2017. I researched the archives and they don't seem to have the earlier code online. I got the 1942 code, I have the Voidable Transactions Act (current law), but the Fraudulent Transfer Act was put into law back in the 1900s, and I don't have access to find the legislative history on that act.

To help these attorneys, we were sending requests to the Utah State Law Library, located in the Matheson Courthouse in downtown Salt Lake City. Their librarians were going into the library to scan pages out of the UCA and disseminate them electronically to their patrons and ours. This put an undue burden on the State Law Library and potentially increased exposure of their staff to the coronavirus in downtown Salt Lake City.

Project Work Plan

Because the University of Utah and Faust Law Library already had a robust digital infrastructure for hosting and electronically disseminating the UCA, the bulk of grant funding went toward salary and fringe benefits for library staff and a small amount went to scanning equipment.

The project had three phases: digitization, metadata work, and website work. Patron requests were filled on-demand for all of the state's law libraries during the grant period

Project Results

At this time, we have digitized over 10,000 pages of the UCA. Currently, there are about 350 titles from 1953-1995 available at our Digital Commons website at <http://dc.law.utah.edu/uca>.

Though the grant project was officially completed at the end of June 2021, scanning and metadata work continues, and more titles are being added to the collection weekly. A portion of the sandbox presentation will discuss our progress, but will also cover lessons learned in the course of our work.