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## Letters and Comments

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Editor's Note: We look forward to your brief comments, questions or replies to previous letters. If you email direct to the author or letter writer, please send a copy to me at [jenkins@ca.inter.net](mailto:jenkins@ca.inter.net) and indicate whether you would permit your comments to be included in the next JIBC.

Thank you.

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### More on EDI?

I read with great interest the paper "EDI--A Global Presence" (Vol 1, No 2). I am a German MBA student at the University of Rhode Island and am very interested in all aspects of EDI.

In particular, I'd like to know if there is any statistic describing the distribution of EDI among different sizes of organizations. In other words, what percentage of large, medium, and small companies are using EDI (in the U.S. or internationally)? It would also be interesting to identify the types of businesses that are using EDI (e.g. manufacturer, wholesaler, retailer, government organization, etc.). If you have information on that or if you could point me in the right direction, I would greatly appreciate it.

Martin Laub, University of Rhode Island [mlau8335@uriacc.uri.edu](mailto:mlau8335@uriacc.uri.edu)"

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### Re: EDI and Regulations

Our company is currently reviewing its procedures for establishing trading partners. In establishing trading partners and maintaining the relationship there are certain regulations that govern electronic commerce and trading partner relationships. In the United States, UCC4A and IRS Revenue Procedure 91-59 represent a few of these requirements. However, knowing the legal profession, there are probably other rules that define liability and responsibility in completing electronic transactions.

Our goal is to identify core responsibilities in electronic commerce as far as law and precedent is concerned, assess the risk, and either develop procedures or systems to meet the requirements of regulation or note the exception where it is not feasible to address the risk.

Also, as a side item, if you could associate my logon with your mailing list, I would greatly appreciate it.

Thanks for your help. Hank Israel [HENRY.M.ISRAEL@cdev.com](mailto:HENRY.M.ISRAEL@cdev.com)"  
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*We thought you might be interested in the following question to our Contributing Editor Richard Field.*

### Re: Legal Report: ABA Makes Cybernotary Their Exclusive Turf

I thought the journalist in you might be interested in what the lead on your "cybernotary" story might be from the perspective of a cyber specialist (or for that matter, a banker). And of course, the irony is that this story element is (surprise) completely missing. Makes you think.

Daniel Sabsay, Cybernetic Moments

*And here is the response from our Contributing Editor*

The ABA Information Security committee was sensitive to this issue, particularly since there were a number of non-lawyer cyber specialists represented on the committee. In the end, it was decided to make the Cybernotary an attorney specialty for the following reasons: (i) the job function of a Cybernotary, as we defined it, includes issuing a form of legal opinion about the validity and enforceability of a legal document transmitted internationally in electronic form; (ii) we agreed that this function was necessary in order to create an entity whose certification on a legal document would be readily acceptable to the rest of the world's notaries and court systems, which has been a problem up to now; (iii) this function when performed by lawyers is already permitted by existing U.S. law and recognized and accepted internationally, but non-lawyers are prohibited from issuing these types of opinions; and (iv) since this was an ABA committee, it made sense to focus on this single high-end need, and to let other specialties and cyber functions develop through other means. And we wanted to develop this new specialty without adversely affecting the existing U.S. notary profession.

The committee recognized that other aspects of electronic commerce would not require this legal dimension, and made sure that its legal framework could accommodate a wide spectrum of roles. In its Digital Signature Guidelines, most of the detail is devoted to the various (non-lawyer) functions of certification authorities. While some states have discussed limiting licensing of their own certification authorities to bankers, lawyers and some other professions, the Guidelines do not restrict them.

Richard L. Field [field@pipeline.com](mailto:field@pipeline.com)  
Contributing Editor JIBC Legal

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## **Looking for clarification**

The "cyberbanks" on the web offer a variety of services. Could you refer me to any information on deposit and chequing accounts which can be opened on the net. I am unclear as to how this can be accomplished without the usual requirements for an actual signature on a deposit agreement.

[BGoodman@inforamp.net](mailto:BGoodman@inforamp.net)

*Can anyone out there help? If you forward me a copy of your replies I'll compile a response to share in the next Journal.* [jenkins@ca.inter.net](mailto:jenkins@ca.inter.net)