**ECF5 Spec Feedback and Considerations – 15**

This document contains additional questions and commentary resulting from a review at the Electronic Court Filing Version 5.0 Working Draft 18.

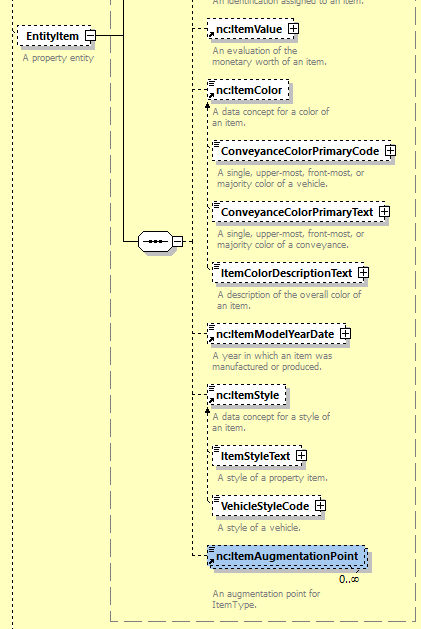
1. **Entity Item Augmentation**

This item was originally submitted in ‘ECF5 Spec Feedback Considerations – 12’, item 3, repeated below, with response comment in red:

As of wd16, EntityItem does not have an augmentation element (e.g. ItemAugmentation), as EnityPerson and EntityOrganization do. Without any augmentation element, EntityItem cannot have ecf:CaseParicipantRoleCode or ecf:FilingPartyID elements.

Added ecf:ItemAugmentation which includes ecf:CaseParticipantRoleCode.

As of WD 18, ecf:ItemAugmentation, including ecf:CaseParticipantRoleCode is still not present as shown in the diagram below:



1. **Taking it to Heart**

At the 7-11-2017 TC Conference call, Jim Cabral expressed concerns about a specification that could be too verbose and would not be read. He specifically asked to “please don’t suggest changes to the specification that repeat things that are in the schema; the schema is normative.”

This request is perhaps consistent with [NIEM NDR] Principle 1, stated in section 6.1.1 of [NIEM NDR} and reproduced below:

6.1.1 **Keep specification to a minimum**

This specification should state what is required for interoperability, not all that could be specified. Certain decisions (such as normative XML comments) could create roadblocks for interoperability, making heavy demands on systems for very little gain. The goal is not standardization for standardization’s sake. The goal is to maximize interoperability and reuse.

**[Principle 1]**

This specification SHOULD specify what is necessary for semantic interoperability and no more.

The term **semantic interoperability** is here defined as the ability of two or more computer systems to exchange information and have the meaning of that information automatically interpreted by the receiving system accurately enough to produce useful results.

Previously I have made specific suggestions on what could be included in the specification regarding a normative approach for attorney to party representation markup. This suggestion is repeated below;

**Attorney Party Relationships**

The relationship of a case party or parties to the attorney or attorneys representing the party or parties in a law suit MUST be done using a j:CaseOfficialType element (e.g. j:CaseDefenseAttorney, j:CaseInitiatingAttorney, j:CaseProsecutionAttorney, j:CaseRespondentAttorney, j:CaseOtherEntityAttorney, and j:CaseOfficial ) within j:CaseAugmentation.

The attorney in the relationship MUST be identified using nc:RoleOfPerson. When identifying the attorney using nc:RoleOfPerson reference, then two methods are supported. One and only one of these two methods MUST be used. The two methods are:

1. The attorney is identified using the structures:ref attribute on nc:RoleOfPerson. This is the preferred and recommended method.
2. The attorney details are elaborated within nc:RoleOfPerson.

When using the first method, the value of structures:ref MUST correspond to a person type entity with a matching value for structures:id. The nc:RoleOfPerson element MUST not have any sub-element content.

When using the second method, the structures:ref attribute in nc:RoleOfPerspon MUST not be used. The attorney person details MUST be elaborated with sub-elements of nc:RoleOfPerson.

The element j:JudicialOfficialBarMembership and j:JudicialOfficialRegistrationIdentification MAY only be used within j:CaseOfficial, when they have not been used within the attorney person elaboration.

(Not sure what to say about j:CaseOfficialCaseIdentification – seems like the rule above should apply here too).

The attorney SHOULD be provided with an identifier in ecf:CaseOfficialAugmentation/ecf:AttorneyID/nc:IdentificationID.

To identify the parties represented by the attorney, ecf:CaseOfficialAugmentation MUST be substituted for j:CaseOfficialAugmentationPoint. An ecf:CaseRepresentedParty element MUST be used within ecf:CaseOfficialAugmentation to identify each party represented by the attorney. If the attorney represents more than one party on the case, then multiple ecf:CaseRepresentedParty elements should appear. When an attorney represents more than one party on a case, multiple j:CaseOfficialType elements SHOULD NOT be used as an alternative to using multiple ecf:CaseRepresentedParty elements within a single j:CaseOfficialType element.

The ecf:CaseRepresentedParty element MUST contain a valid entity type element which has been substituted for nc:EntityRepresentation. The appropriate element will depend upon the nature of the case party; whether it is a person party, an organization party, or a property/item party.

When identifying the party represented by the attorney, there are two methods supported. One and only one of these two methods MUST be used. The two methods are:

1. The party is identified using the structures:ref attribute on the substituted entity type element. This is the preferred and recommended method.
2. The party entity details are elaborated within the substituted entity type element (e.g. EntityItem, EntityOrganization or EntityPerson).

When using the first method, the value of structures:ref MUST refer to an entity type element with a corresponding entity type and which has a structures:id attribute with a matching value. The entity type element substituted for nc:EntityRepresentation MUST not have any sub-element content. The element ecf:CaseParticipantRoleCode MUST not be used when using the first method.

When using the second method, the structures:ref attribute in the substituted entity type element MUST not be used. The entity details MUST be elaborated using sub-elements of the entity type element substituted for nc:EntityRepresentation. The ecf:CaseParticipantRoleCode within ecf:CaseOfficialAugmentation MAY only be used if the entity is an item type entity. For organization and person type entities, use the ecf:CaseParticipantRoleCode available within the entity augmentation.

As an exercise, I propose to apply [NIEM NDR] Principle 1 and the ‘do not repeat schema’ principle, to the above original revision suggestion.

So let’s take the original suggestion a piece at a time, starting with:

The relationship of a case party or parties to the attorney or attorneys representing the party or parties in a law suit MUST be done using a j:CaseOfficialType element (e.g. j:CaseDefenseAttorney, j:CaseInitiatingAttorney, j:CaseProsecutionAttorney, j:CaseRespondentAttorney, j:CaseOtherEntityAttorney, and j:CaseOfficial ) within j:CaseAugmentation.

First off, what this is saying is that associating attorneys to case parties is done within an attorney element, within the j:CaseOfficilaAugmentation element (this is where ecf:CaseRepresentedParty appears).

Is some or all of the above statement unnecessary because it is already stated in schema, or does it exceed what is necessary for semantic interoperability?

Perhaps it would have been enough to say it as Jim Cabral responded:

The relationship of an attorney to the party being represented SHOULD be defined using a reference element in ecf:CaseOfficialAugmentation/ecf:CaseRepresentedParty.

It is certainly more brief, and it does go directly to the ecf:CaseOfficialAugmentation/ecf:CaseRepresentedParty element, but it also does not limit this attorney/party relationship to only attorney elements.

Take a look at other elements that are also derived from j:CaseOfficialType, such as j:CaseJudge. Since j:CaseJudge is also derived from j:CaseOfficialType, it too also has ecf:CaseOfficalAugmentation/ecf:CaseRepresentedParty and can therefore have referenced parties. I am not aware of any use case that requires associating case parties to a representing judge, but even if this use case exists, it would be outside the scope of the suggested revision which was only to describe a normative approach for attorney to party associations. Schema alone does not express that attorney to case party representation relationships are not allowed to be expressed in judge elements, such as j:CaseJudge.

Now let’s take a look at the next piece:

The attorney in the relationship MUST be identified using nc:RoleOfPerson.

I agree that this is may already expressed in a reasonable read/interpretation of schema and could therefore be considered for omission. However, note that the nc:RoleOfPerson element is not mandatory in schema. So perhaps this rule should be maintained.

The next portion is:

When identifying the attorney using nc:RoleOfPerson reference, then two methods are supported. One and only one of these two methods MUST be used. The two methods are:

1. The attorney is identified using the structures:ref attribute on nc:RoleOfPerson. This is the preferred and recommended method.
2. The attorney details are elaborated within nc:RoleOfPerson.

This is not evident just from schema, however, perhaps other parts of the specification document may be referenced and relevant, such as section 6.2.8 Filer and Party Identifiers and section 6.2.11.2 Reference Elements. However, from my perspective, this is a bit like trying to work out a cross word puzzle. A tidbit here, a tidbit there, now try to work out the words. As a specification reader, my goal would be to understand how to properly mark-up attorney/case party representation relationships, so just give it all to me in one place.

The next part is:

When using the first method, the value of structures:ref MUST correspond to a person type entity with a matching value for structures:id. The nc:RoleOfPerson element MUST not have any sub-element content.

Perhaps this part could be left out, relying instead on the specification reader’s understanding of section 6.2.11.2 Reference Elements, perhaps coupled with schema interpretation.

Next is:

When using the second method, the structures:ref attribute in nc:RoleOfPerspon MUST not be used. The attorney person details MUST be elaborated with sub-elements of nc:RoleOfPerson.

This too could perhaps be eliminated, again relying on the specification reader’s understanding of [NIEM NDR] rule 12-2 and section 6.2.11.2. This is not expressed in schema.

Next there is:

The element j:JudicialOfficialBarMembership and j:JudicialOfficialRegistrationIdentification MAY only be used within j:CaseOfficial, when they have not been used within the attorney person elaboration.

I agree that the availability of j:JudicalOfficalBarMembership is evident in schema, but what this piece is actually saying is that if you are using an attorney element such as j:CaseDefenseAttorney, j:ProsecutionAttorney, etc., then put the attorney’s bar number information into that attorney element and do not add a j:CaseOfficial element for the Bar Number information. Whether you would agree with this rule or not, it certainly is not expressed in schema alone.

Next up, there is:

The attorney SHOULD be provided with an identifier in ecf:CaseOfficialAugmentation/ecf:AttorneyID/nc:IdentificationID.

Perhaps not needed, due to a reasonable read of schema coupled with section 6.2.8 Filer and Party Identifiers.

Then comes:

To identify the parties represented by the attorney, ecf:CaseOfficialAugmentation MUST be substituted for j:CaseOfficialAugmentationPoint. An ecf:CaseRepresentedParty element MUST be used within ecf:CaseOfficialAugmentation to identify each party represented by the attorney.

This may be omitted since it is mostly expressed in schema.

Included with the above is:

If the attorney represents more than one party on the case, then multiple ecf:CaseRepresentedParty elements should appear. When an attorney represents more than one party on a case, multiple j:CaseOfficialType elements SHOULD NOT be used as an alternative to using multiple ecf:CaseRepresentedParty elements within a single j:CaseOfficialType element.

This is not evident in schema, since schema provides multiple ways that this can be done. For interoperability, a single approach must be established.

Then follows:

The ecf:CaseRepresentedParty element MUST contain a valid entity type element which has been substituted for nc:EntityRepresentation. The appropriate element will depend upon the nature of the case party; whether it is a person party, an organization party, or a property/item party.

This could be omitted since it may be evident in schema to an ECF knowledgeable schema reader.

Next is:

When identifying the party represented by the attorney, there are two methods supported. One and only one of these two methods MUST be used. The two methods are:

1. The party is identified using the structures:ref attribute on the substituted entity type element. This is the preferred and recommended method.
2. The party entity details are elaborated within the substituted entity type element (e.g. EntityItem, EntityOrganization or EntityPerson).

As expressed above for parties, this is not evident just from schema. However, when taken in conjunction with other parts of the specification document, such as section 6.2.8 Filer and Party Identifiers and section 6.2.11.2 Reference Elements, the specification reader may ultimately come to this same conclusion. Why not just put it out there in plain language?

The above is followed by:

When using the first method, the value of structures:ref MUST refer to an entity type element with a corresponding entity type and which has a structures:id attribute with a matching value. The entity type element substituted for nc:EntityRepresentation MUST not have any sub-element content.

Again, as with parties, perhaps this part could be left out, relying instead on the specification reader’s understanding of section 6.2.11.2 Reference Elements, perhaps coupled with schema interpretation.

Then comes:

The element ecf:CaseParticipantRoleCode MUST not be used when using the first method.

This candidate rule may or may not be necessary, depending upon the outcome of discussions regarding the proper use of ecf:CaseParticipantRoleCode (see ‘ECF5 Spec Considerations – 14’, item 2).

Next:

When using the second method, the structures:ref attribute in the substituted entity type element MUST not be used. The entity details MUST be elaborated using sub-elements of the entity type element substituted for nc:EntityRepresentation.

As with case parties, this too could perhaps be eliminated, again relying on the specification reader’s understanding of [NIEM NDR] rule 12-2 and section 6.2.11.2

Finally:

The ecf:CaseParticipantRoleCode within ecf:CaseOfficialAugmentation MAY only be used if the entity is an item type entity. For organization and person type entities, use the ecf:CaseParticipantRoleCode available within the entity augmentation.

This rule may not be necessary once ecf:ItemTypeAugmentation is available (see Item #1 above). Alternatively, there may still need to be a rule(s) regarding the proper use of ecf:CaseParticipantRoleCode (see ‘ECF5 Spec Considerations – 14’, item 2). If ecf:CaseParticipantRoleCode usage rules are established, they may be located in a different section of the specification document.

So in conclusion, some of the original wording in the original suggestion could be removed since an accomplished schema reader may arrive at the same conclusion anyway. Whether or not the specification is as readable or as understandable with these removed is a different consideration. Additionally, there are many parts of the original suggested wording that are not expressed in schema. Some of these other statements may not be necessary if the requirements are adequately addressed in other parts of the specification document. Finally, some of the suggested wording may not express rules that the TC wishes to adopt (or the TC may even choose adopt other different rules).

Hopefully, this exercise will serve as a means to normalize, or at least to begin to normalize, our undoubtedly variant ideas and understanding of what a minimal specification may or may not need to express, and what we think schema may or may not be actually saying. Hopefully this will be of some help in further specification review work.

Note:

The above was written before the response to ‘ECF5 Spec Considerations 14’ was released. With its release, the original response cited above has been extended to:

I moved Element Content References and Reference Elements to a new section “6.3 Reference Rules” and added a new subsection “6.3.3 Attorney to Party References” as follows:

The relationship of an attorney to the party being represented MUST be defined using a reference element in ecf:CaseOfficialAugmentation/ecf:CaseRepresentedParty. If the attorney represents more than one party on the case, then multiple ecf:CaseRepresentedParty elements SHOULD appear within a single element representing the attorney.

I removed the following sentence from 6.2.8

Attorney elements MAY reference the parties they represent with party identifiers.

Since the point of this exercise was to try to apply NIEM Principle 1 and the ‘schema is normative’ principle (e.g. don’t repeat), I will not, at this time, consider whether or not the most recent response in WD19, coupled with schema, provides is sufficiently descriptive for a normative attorney to party representation markup approach.