AN INTRODUCTION TO THE
OASIS LEGALXML ELECTRONIC COURT FILING 3.0 SPECIFICATION

**Prepared by the OASIS LegalXML Electronic Court Filing Technical Committee
for the Conference of State Court Administrators/National Association for Court
Management Joint Technology Committee**

In 1999, the Joint Technology Committee (JTC) chose the Legal XML organization to be its technical drafting committee for XML standards supporting electronic filing. In 2000 and 2002, the JTC adopted as proposed standards the Electronic Court Filing (ECF) 1.0 and 1.1 specifications and the Query and Response specification developed by Legal XML. These standards are in use today. Vendors have used them as the foundations for their electronic filing products. Individual court and state judiciary electronic filing implementations have also incorporated them.

In 2001 Legal XML became the LegalXML Member Section of OASIS (the Organization for Advancement of Structured Information Systems) and its Electronic Court Filing Technical Committee (ECFTC) assumed responsibility for developing future versions of XML electronic filing specifications for submission to the JTC. The ECFTC is a collaboration of national, state, and local court leaders and technologists, academics, and vendors of programs and systems for courts.

In 2002, the JTC created "joint standards development" teams of court staff to review the ECF 1.1 and the Query and Response specifications prior to their review by the JTC. Since then the JTC has recognized that the ECFTC serves the same function as a JSD team and should submit its proposals directly to the JTC's Standards Subcommittee.

The ECFTC has now completed work on ECF 3.0 and submits it to the JTC for adoption as a proposed standard.

This introduction is intended to give JTC members an understanding of the background and objectives of the ECF 3.0 specification. It is written as a non-technical document. For those interested in technical detail not provided in this document, the entire OASIS specification can be retrieved from http://www.oasis-open.org/committees/legalxml-courtfiling.[1]

The Technical Committee is also preparing a more extensive non-technical "road map" to the ECF 3.0 specification, to be completed by mid December 2005, to serve as an introduction to the specification and its various components to make it easier for court subject matter experts to review the specification for completeness.

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[1] When the specification is adopted as a JTC proposed standard, it will also be posted on the NCSC website.

I.   WHAT IS THE PURPOSE AND SCOPE OF THE ECF 3.0 SPECIFICATION?

The ECFTC charter tasks the Technical Committee with developing open, non-proprietary specifications for the electronic filing of court documents. Drawing on the experience with previous XML standards and using new technology standards that have been developed in recent years for interoperability and ease of implementation, the ECFTC has developed a new specification that it has named Electronic Court Filing 3.0.[2] The new specification is intended to support a wider set of business needs than previous electronic filing XML standards. ECF 3.0 supports the following business needs.

- Courts need to be able to receive documents electronically to improve document management and reduce data entry. ECF 3.0 supports the filing of documents initiating a new case and documents filed in an existing case. It supports electronic transmission of documents from law firms and from other persons and organizations to a court for entry in the court's official case records, including common data, court-specific data and unique data for the following kinds of cases:
    - Civil (including general civil, mental health, probate and conservatorship, and small claims)
    - Misdemeanor and Felony Criminal
    - Domestic Relations (including divorce, separation, custody and support, domestic violence, and paternity)
    - Juvenile (delinquency and dependency),
    - Traffic Citations, and
    - Bankruptcy.[3]

- Courts need to be able to file orders. ECF 3.0 supports a court administrator filing an action, such as an order, that would be staged for the court record.

- Courts need to be able to support electronic payments. ECF 3.0 supports financial transactions involving filing fees, fines and other financial obligations paid through the court.

- Clerks need to be able to review filings before entering them on the docket or register of actions. ECF 3.0 supports filing review workflows including integration with a court's Case Management and Document Management Systems.

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[2] The ECFTC chose to designate the latest version "ECF 3.0" and to "skip" a version 2.0 designation to indicate the specification's close relationship with and dependency on the Global Justice XML Data Model (GJXDM) version 3.0.x.

[3] These specific case distinctions, with the exception of bankruptcy, are intended to be analogous to the case classifications in the *NCSC State Court Guide to Statistical Reporting*. The ECFTC believes that ECF 3.0 can accommodate most kinds of court cases; however it did not separately analyze the data elements needed to support appeals in intermediate appellate courts and courts of last resort nor the NCSC trial court case categories of Non-Criminal Traffic Ordinances, Parking and Civil Ordinances.

- Courts need flexibility in the rules they impose for electronic filing. ECF 3.0 includes that flexibility and creates a way for filers to obtain a specific court's policies and requirements related to electronic filing.

- Filers need confirmation that their filings are accepted. ECF 3.0 supports notifications that a filing was received and entered in the court record as well as ways to check the status of a filing.

- A number of courts want to provide filers with the ability to electronically serve other parties in a case. ECF 3.0 supports electronic service of filings to existing parties to a case. ECF 3.0 does not support service of process such as summonses, subpoenas, warrants, and other documents that establish a court's jurisdiction over parties to a case. Nor does ECF 3.0 require a court that does not want to do so to support electronic service.

- Filers need access to court records. ECF 3.0 supports a way for courts to grant and control access to court records including case calendars, registers of action and documents

- Courts and filers need to be confident of the security and integrity of their information. ECF 3.0 incorporates advanced but well-proven technologies for document and transmission authentication, integrity, and security.

II.   HOW DOES ECF 3.0 RELATE TO PREVIOUS COURT FILING SPECIFICATIONS?

The ECF 3.0 specification provides significant business and technical advances over previous court filing specifications and implementations including previous ECF specifications, state and local e-filing implementations and other open-source and proprietary solutions. The advantages of ECF 3.0 include:

- The case specific data elements, financial payments, electronic service, confirmation that documents have been filed, mechanism for filers to access a court's electronic filing policies electronically, and security features described above are business features not supported by ECF 1.0, 1.1 or Query and Response.

- ECF 3.0 is based on open standards and non-proprietary technologies. Courts and vendors are free to implement or extend the ECF 3.0 specifications according to OASIS license policies available at http://www.oasis-open.org/committees/legalxml-courtfiling/ipr.php.

- ECF 3.0 uses XML Schema, a more robust technology for defining structures and content than the Document Type Definition (DTD) approach used in the ECF 1.0 and 1.1 specifications.

- ECF 3.0 leverages relevant portions of the Global Justice XML Data Model (GJXDM), the source of standard XML names that has gained wide acceptance in law, safety, and justice environments at national, state, and local levels. Many federal, state, and local justice entities throughout the country have used and are using it to develop documents for exchanges among justice agencies.

- ECF 3.0 insulates implementers from much of the complexity of working with the GJXDM directly. GJXDM definitions had been a source of frustration for courts implementing electronic filing or other exchanges with justice partners. During development of ECF 3.0, these definitions were carefully reviewed and improved. These definitions are corrected in ECF 3.0 and will be submitted through the formal process to update the GJXDM.

- ECF 3.0 contains many more data elements than previous specifications. It also contains a mechanism for allowing courts and vendors to add elements needed locally that are not included within the ECF 3.0 specification.

The ECFTC suggests that the JTC continue its "proposed standard" designation for ECF 1.0, 1.1, and Query and Response. Courts and vendors who find those specifications adequate for their needs should be able to continue to use them.

III.   WHAT ARE THE NEXT STEPS FOR ECF 3.0?

As of November 15, 2005, the ECFTC has approved the ECF 3.0 specification as an OASIS Committee Draft and is submitting the specification to the JTC for adoption as a proposed standard. We anticipate that the JTC will establish a review and comment period. The "roadmap" described earlier will facilitate review of the specification by court personnel who are not technically conversant with XML and XML specification terminology.

ECF 3.0 is ready for experimental implementation in actual courts and tests between implementing courts and vendors to validate that it is "interoperable." The JTC's adoption of the ECF 3.0 specification as a proposed standard will launch the period of implementation and testing.

The ECFTC expects that implementations, as well as the review and comment process, will disclose gaps and ambiguities in ECF 3.0 as drafted. We will encourage implementers to transmit their requests for changes to the specification to the ECFTC; the ECFTC will issue periodic releases of the specification (ECF 3.0x) during the implementation process that incorporate needed changes.

When ECF 3.0 is shown to be a standard on which successful interoperability can be built, the ECFTC will presented it to the JTC for adoption as a recommended standard.

The ECFTC invites the JTC to take an active role in this implementation and testing process – particularly in recruiting courts and vendors to implement the specification in various subject matter areas. The co-chairs of the Technical Committee offer to meet with the JTC co-chairs or any implementation committee that the JTC might establish, with National Center staff, and with potential implementers to agree on a specific implementation and testing plan and the allocation of responsibility among the participating entities.

At the same time, the ECFTC plans to continue to revise and expand the ECF 3.0 specification through future versions. Future versions of ECF 3.0 will:

- Enhance support for appellate filings, filings in administrative tribunals, and filings in additional case categories from the *NCSC State Court Guide to Statistical Reporting* including civil traffic, parking, and local ordinance violations;
- Develop a means for electronic service of process (the delivery of documents such as summonses, subpoenas, and warrants that establish a court's jurisdiction over a party);
- Support non-case related filings into a court clerk's office such as applications for notaries, requests for bonding authorities and establishing bond limits, and licenses.
- Consider how the ECF 3.0 specification relates to other non-case filings submitted to elected clerks of court such as deeds, mortgages, liens and other real property instruments and security instruments and liens on personal property;
- Support future releases of the GJXDM and the National Information Exchange Model (NIEM); and
- Support the use of XML to submit all of the content for frequently used standard court forms in areas such as child support and child dependency cases.

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The members of the Electronic Court Filing Technical Committee will provide any additional information to the JTC or its Standards Subcommittee upon request. In particular, the co-chairs Tom Clarke and John Greacen will participate in meetings, conference calls or other discussions if requested to address questions that any member of the JTC or the Subcommittee have concerning ECF 3.0, it relationship to any other standards, or future steps needed to implement and test it.