

## John McClure

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**From:** John McClure [jmcclure@hypergrove.com]  
**Sent:** Friday, November 22, 2002 9:17 AM  
**To:** legalxml-courtfilling@lists.oasis-open.org  
**Subject:** FW: [legalxml-courtfilling] Preliminary List of "Roles" in Legal Proceedings

John,

My sentiments also, with an exception, my friend, to deferring this work to V2.0.... For V1.0, I believe the present course -- to the extent it does not adopt the W3C's Resource Description Framework from the outset -- is highly inimical to achieving our organization's goals and objectives. The present methodology we've adopted by default appears to me to be yielding a set of haphazardly constructed DTDs for court records and court documents. No information science is being applied at all, with the result that it is going to be more costly to the judicial branch of governments to implement supporting systems. That is annoying to taxpayers in general, and I believe directly and undeniably diminishes our analytic abilities during our "war" on terror, and beyond.

I don't mean to sound harsh, but it's difficult to continue to hear unjustified conclusions against using the RDF as a guide in our work equal in stature to the Extensible Markup Language itself. Both are formal W3C Technical Recommendations, and both have been so for almost four (4) years now. The RDF defines a sensible architecture equally applicable to commercial invoices as it is to court records and court documents. RDF is a STANDARD from the principal standards body we cite in our charter, so we should be reflexively desirous to adopt it. LegalXML should also encourage the federal government to adopt RDF as a standard, immediately, to truly improve data-sharing among its branches. RDF is a STANDARD that should be adopted by all regulatory agencies, to improve the quality of information solicited from industry, to minimize the cost and maximize the effectiveness of the envisioned "data mining" across public and private datasets that undergirds part of our present war strategy -- there is no reasonable downside to standards adoption; there is no justification not to adopt RDF, now. Simply standardizing on XML is hardly sufficient -- a babble of grammatically dissimilar dialects clearly results.

There is also no published alternative architecture that I'm aware of that comprehensively addresses both instance documents and their metadata. XML Schema only discusses metadata, and is almost silent on instance document structure. RELAX-NG is a hack on XML Schema, and even seriously proposes a nonXML encoding scheme. (Both of which are handicapped by being only incidentally object-oriented). Understandably, the single specification that LegalXML has built to date is "cautious" in its formulation, given its timing relative to our understanding RDF, and given that WSDL is not yet a formal W3C standard. However, nothing prevents our specifications from now building upon an undeniably important standard established by the W3C -- RDF -- one that is a documented part of a decent architectural vision, that is supported by open-source and commercial tools, that is written about in the popular technical press (books, magazines), one that is technically pretty darn good.

Perhaps if future specifications from LegalXML were guided by their own architectural vision in some way, I'd be more encouraged. But none is published or mentioned anywhere at any time. This is why I call the DTDs created to date haphazard. This is why I think the conversation aimless and nonspecific. It is one that has yet to draw any simple distinction between the requirements of exchanging court records as opposed to court documents, as they do have entirely different stakeholders interests to satisfy, and different technical approaches to be taken.

I do know that you are one of the strongest members of this organization, that you come to this table as a smart attorney with a hobby horse for XML markup. Thankfully you're the (ideal) leader of the eNotary TC. Your expert participation and good will are essential throughout this process of developing work products used principally by technologists. So, I hope you agree that at some point the process of designing the markup itself is best led by the technologists who'll eventually have to eat this dog food. It shouldn't be a goal here to "simplify" extant standards so that non-technologists could presumably perform a job for which they are not trained, which they're unlikely to do to any degree in any event. Likewise, I am not trained in law, but am here to join forces with functional experts like yourself to achieve the goals that we share, deferring to you in matters in which I have just a common man's understanding. We are creating a technical product of central importance to technologists, and I must stand opposed to seeing a quality product consistently deferred for no given reason beyond a concern about political landmines. So, we should adopt RDF now, not in V2.0.

Regards,  
John

Hypergrove Engineering

Port Townsend, Washington

-----Original Message-----

From: John Messing [mailto:jmessing@law-on-line.com]  
Sent: Thursday, November 21, 2002 6:03 PM  
To: legalxml-courtfilling@lists.oasis-open.org  
Subject: [legalxml-courtfilling] Preliminary List of "Roles" in Legal Proceedings

My understanding comes more from contemplating personal and anecdotal programming experiences rather than formal training. My claim to expertise is thus all but non-existent, but to me there a number of attributes like a role which do not meet a necessary level or degree of persistence which I think is implicit in a proper definition of a property.

Your question about multiple roles involves perhaps less case management issues (relational database tables) and more courtroom formalities, strategies and tactics, including legal arguments, precedents and authorities. One does not normally describe what happens in a courtroom in terms of roles (participants are more interested in processes and results generally speaking). It is difficult to give an honest answer about the existence and need for multiple roles without a new discipline of thought emerging specific to this content area. The RDF statement about the criminal law looks like it could adapt itself more readily to such an undertaking than straight XML from what you have said.

I find the attempt at creating a hierarchy of entities to be noteworthy. Too often it is tempting for the sake of expediency to include in a dictionary terms in pork-barrel fashion so that a certain cartesian legal quality is immediately compromised and like the saying about virtue itself goes, once compromised, it is not easily regained.

Unfortunately, the particular hierarchy you have outlined from time to time inadvertently steps through a minefield of semi-sacred terms and politically correct behaviors with the grace of a bull in a china shop, but that is only out of unfamiliarity with the terrain, which perhaps is easily cured by obtaining the services of a guide who knows the way.

I think your posting may be of considerable help to those looking to work on 2.0 and data dictionaries.

Best regards.

-----Original Message-----

From: John McClure [mailto:jmccclure@hypergrove.com]  
Sent: Thursday, November 21, 2002 4:11 PM  
To: legalxml-courtfilling@lists.oasis-open.org  
Subject: RE: [legalxml-courtfilling] Preliminary List of "Roles" in Legal Proceedings

Well, in the world of OOP, objects only have properties (other than a pointer to their class metadata). Given this, a role is as much a property of the Person object as much as title is. Lin's statement refers to the notion that in the world of RDBs, one creates an intersection table between its Person table and its Case table, each row of which contains the Role being played by the Person in the case (as well as pointers to specific Case and Person rows). Of course in XML we don't worry about tables per se but we still worry about the cardinality of each property associated with an object. For example, Lin's system probably doesn't allow multiple titles for a given individual, but I think one should, in an XML encoding, because that is the reality -- people are able to claim multiple honorific titles -- while most RDB systems store multiple honorifics, comma-separated, in a single field (a huge no-no for XML encoding), because it's not worth the effort to establish a separate table keyed by Person.

I think a key question is whether in fact multiple Roles can be played by a single Person in a single Case. Since I am but a neophyte in case management systems, I haven't a clue. If the answer is yes, but very infrequently, I still take that to be a yes, and would recommend that markup allow such statements of fact. Besides that, I'd suggest that the name of what's being discussed be sharpened to include the event in which the role is being played by the actor. For instance, CriminalTrialRole would identify all the roles found in the generic criminal trial. By 'chunking'

the discussion in this way, much benefit and faster progress is readily assured. If one is using a metadata markup language that provides multiple inheritance (like, RDF), then the same role can be a subclass of multiple categories. If not (like, XML Schema), then there's a considerable challenge ahead.

I substantially agree with Roger's explanations of the distinction between Role and Title. The statement about a "Judge" -- that one owns the title throughout it all -- needs much more refinement I believe. To me, a Judge is BOTH an honorific AND an occupation (as defined by the US Government). Yes, any Judge can be an ElectedOfficial or an AppointedOfficial but, as you might suspect, I would establish these as sub-terms of a QualifiedOfficial term, applicable as they would be to any subclass of Judge (as an occupation). Anyway, what is crystal clear to me is that "Judge" is not an example of a Role. Rather, for the role fulfilled by a Judge in a CriminalTrial, I would suggest that such be called a CriminalTrialJudge, a term within the CriminalTrialRole category, which is a subcategory of LegalRole (or CourtRole or JudicialSystemRole), which is a subclass of Role, which is a subclass QualifiedActor. [Aside: a Judgeship is another interesting item, because it refers to the jurisdiction had by a judge...] For the honorific case, I wouldn't establish Judge as a subterm of Honorific -- rather, "Judge" is an \*instance of\* an Honorific and I suggest publishing such as a resource standardized by LegalXML, like <Honorific rdf:ID='http://www.legalxml.org#Judge'><en>Judge</en></Honorific> which can be referenced then by systems in a standard way such as <Person><addressedUsing rdf:resource='http://www.legalxml.org#Judge'/></Person>. While I'm at this, for a role, I would hardly recommend a <Role> tag, but rather a more readable, more intuitive, more explicit, RDF treatment, as in <Judge><actedAs rdf:resource='http://www.legalxml.org/dictionary.rdf#CriminalCourtJudge'/></Judge> for the simple, non attributed referential statement, and for the more complex statements that are sure to occur:

```
<Person rdf:ID='Person1234567'>
  <LegalName><en>John Marshall</en></LegalName>
  <addressedUsing rdf:resource='http://www.legalxml.org#Judge'/>
  <employedAs rdf:resource='http://www.legalxml.dictionary.rdf#Judge'/>
  <actedAs>
    <CriminalCourtJudge>
      <addressedAs><Honorific><en>Your Honor</en></Honorific></addressedAs>
      <at rdf:resource='http://www.USDistrictCourt/District5#Location12345'/>
      <occurred><ElapsedPeriod><iso>2002-12-12/P4D</iso></ElapsedPeriod></occurred>
      <forEvent rdf:resource='http://www.USDistrictCourt/District5#Case1234567'/>
    </CriminalCourtJudge>
  </actedAs>
</Person>
<CriminalCase rdf:ID='Case1234567'>
  <occurred><ElapsedPeriod><iso>2002-12-12/P4D</iso></ElapsedPeriod></occurred>
  <at rdf:resource='http://www.USDistrictCourt/District5#Location12345'/>
  <presidedBy rdf:resource='http://www.USDistrictCourt/District5#Person1234567'/>
  <prosecutedBy rdf:resource='http://www.USDistrictCourt/District5#Person7654321'/>
  <answeredBy rdf:resource='http://www.USDistrictCourt/District5#Citizen12345'/>
  <arguedBy rdf:resource='http://www.MaineBarAssociation#Attorney321'/>
  <decidedBy rdf:resource='http://www.USDistrictCourt/District5#Jury12345'/>
</CriminalCase>
```

Of course, this can be equally exchanged as

```
<CriminalCase rdf:ID='Case1234567'>
  <occurred><ElapsedPeriod><iso>2002-12-12/P4D</iso></ElapsedPeriod></occurred>
  <at>
    <CourtHouse rdf:about='http://www.USDistrictCourt/District5#Location12345'>
      <PhysicalAddress/>
    </CourtHouse>
  </at>
  <presidedBy>
    <CriminalCourtJudge rdf:about='http://www.USDistrictCourt/District5#Person1234567'>
      <LegalName><en>John Marshall</en></LegalName>
      <addressedAs><Honorific><en>Your Honor</en></Honorific></addressedAs>
    </CriminalCourtJudge>
  </presidedBy>
  <prosecutedBy>
    <CriminalProsecutor rdf:about='http://www.USDistrictCourt/District5#Person7654321'>
```

```

    <LegalName><en>Joe Prosecutor</en></LegalName>
  </CriminalProsecutor>
</prosecutedBy>
<answeredBy>
  <Defendant rdf:about='http://www.USDistrictCourt/District5#Citizen12345'>
    <LegalName><en>Jill Defendant</en></LegalName>
    <defendedBy>
      <PublicDefender rdf:about='http://www.MaineBarAssociation#Attorney321'>
        <LegalName><en>Jane Attorney</en></LegalName>
        </PublicDefender>
      </defendedBy>
    </Defendant>
  </answeredBy>
<decidedBy>
  <Jury>
    <consistedOf>
      <rdf:bag>
        <LeadJuror rdf:resource='http://www.USDistrictCourt/District5#Citizen0121'/>
        <AlternateLeadJuror rdf:resource='http://www.USDistrictCourt/District5#Citizen0122'/>
        <Juror rdf:resource='http://www.USDistrictCourt/District5#Citizen0123'/>
        <AlternateJuror rdf:resource='http://www.USDistrictCourt/District5#Citizen0124'/>
      </rdf:bag>
    </consistedOf>
  </Jury>
</decidedBy>
</CriminalCase>

```

The whole POINT of a dictionary then is to identify the range of elements that can validly be referenced by, or within, the "predicate elements" <occurred>, <at>, <presidedBy>, <prosecutedBy>, and the others that "connect" two nouns. Creating a hierarchical dictionary of terms is not merely an intellectual exercise of passing interest -- it relates directly to the validation of XML streams emanating from the judicial system. Now, it's been said that this seems pretty wordy, but I daresay that such explicitness should be an ongoing requirement as more and more complex information structures are desired to be transmitted in a reasonable, stable, fashion. Simply having a <Role> element won't cut the mustard in the final analysis in my view.

For more information about this "style" of markup, please reference

1. "Make Your XML RDF-Friendly" at <http://www.xml.com/pub/a/2002/10/30/rdf-friendly.html>
2. "RDF - What's it good for?" at <http://www.xml.com/pub/a/2002/11/13/deviant.html>
3. "Ontology Building: A Survey of Editing Tools" at <http://www.xml.com/pub/a/2002/11/06/ontologies.html>

Regards,  
John

>-----Original Message-----

>From: John Messing [mailto:jmessing@law-on-line.com]  
 >Sent: Thursday, November 21, 2002 8:50 AM  
 >To: legalxml-courtfilng@lists.oasis-open.org  
 >Subject: RE: [legalxml-courtfilng] Preliminary List of "Roles" in Legal  
 >Proceedings

>  
 >  
 >Another way of looking at this may be that if there is a person  
 >object, a title is most clearly a property of the person object  
 >whereas the role is probably not.

>  
 >----- Original Message -----

>From: "Winters, Roger" <Roger.Winters@METROKC.GOV>  
 >Date: Thu, 21 Nov 2002 07:40:27 -0800

>  
 >>As you have described it, then, does this follow?

>>  
 >>ROLE = something one enters and leaves. We all play many roles--father,

>>co-worker, civil servant, mechanic, mentor, penitent, child, caregiver, and  
>>on and on. In a case, one may be the plaintiff but, on the stand, also a  
>>witness; the next week, called for duty, a juror and, if a Judge, one owns  
>>the title throughout it all.

>>  
>>TITLE = something that sticks with one (unless revoked or modified). Being a  
>>plaintiff is not to acquire a title, nor witness, nor juror. A medical  
>>doctor who steps into (and out of) such roles would still be titled  
>>"Doctor."

>>  
>>Roger Winters  
>>Electronic Court Records Manager  
>>King County  
>>Department of Judicial Administration  
>>516 Third Avenue, E-609 MS: KCC-JA-0609  
>>Seattle, Washington 98104  
>>V: (206) 296-7838 F: (206) 296-0906  
>>roger.winters@metrokc.gov

>>  
>>  
>>-----Original Message-----  
>>From: Lin, Meng-chun [mailto:Meng-chun.Lin@usdoj.gov]  
>>Sent: Thursday, November 21, 2002 4:03 AM  
>>To: 'Winters, Roger'; 'Mohyeddin Abdulaziz'; 'Chambers, Rolly'  
>>Cc: legalxml-courtfilings@lists.oasis-open.org  
>>Subject: RE: [legalxml-courtfilings] Preliminary List of "Roles" in LegalPr  
>>ceedings

>>  
>>>>From the programming point of view, the titles and roles are separate in the  
>>>>federal courts' case management database. A more common case is a retired  
>>>>judge becomes an attorney and represents a client in a case. The judge  
>>>>retains his/her title, but plays different role in different cases. Also,  
>>>>under the party, there are different "party roles" in a case.

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