

Joint Technology Committee Standards Process

Status of this RFC

This document provides information to the court community. This document does not specify a JTC Standard but is intended to go through a review process similar to that for JTC Standards. Distribution is unlimited.

Change Explanation

This RFC does not update or change a previous RFC.

Abstract

This document describes the process of adoption of standards by the Joint Technology Committee (JTC). It describes the process of developing the initial standards Request for Comment (RFC) and then describes the process by which it can become a JTC Standard. Descriptions of the players and documents are included.

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Introduction

The primary goal of the JTC Standards Process is to facilitate developing and approving national standards for the application of technology to the state courts. Establishment of appropriate standards enables courts to leverage the best thinking of their peers as they develop and enhance their case management and other systems and enables flexibility as future technologies emerge giving courts, others in the justice community, and service providers well-defined methods to interact with existing and future systems and each other. This flexibility is central to supporting the evolving strategies of the state courts.

The Standards Process is focused on adopting standards that are relevant to the state courts and that have mature implementations and operational experience. The standards process is also designed to encourage community participation in order to leverage community expertise, ideas, and capabilities.

In studying examples to model the JTC process after, the Standards Working Group (SWG) found the Internet Engineering Task Force (IETF, <http://www.ietf.org>) experience to be particularly pertinent. The IETF has been remarkably effective in setting standards for the Internet - enabling explosive growth both in user base and in functionality. Its process has demonstrated scalability and relevance amid rapidly evolving technology. The IETF process provides

- simplicity of structure,
- technical excellence,
- prior implementation and testing,
- clear and concise documentation,
- openness and fairness, and
- potential for timeliness.

For these reasons, the standards process is modeled after the IETF process [1]. The IETF process has been adapted to meet additional JTC requirements of timeliness and accountability and to assure domain applicability and the operational maturity of standards adopted by JTC.

In general, a JTC Standard is a specification that is

- stable and well-understood,
- is technically competent,
- has multiple, independent, and interoperable implementations with substantial operational experience,
- enjoys significant public support, and
- is recognizably useful in some or all parts of the court community.

The process of creating a JTC Standard is straightforward: a specification undergoes a period of development and several iterations of review by the court community, is revised based upon experience, is adopted as a Standard by the JTC, COSCA and NACM, and is published. In practice, the process is more complicated, due to

- the difficulty of creating specifications of high technical quality;
- the need to consider the interests of all of the affected parties;

- the importance of establishing widespread community consensus;
- the difficulty of evaluating the utility of a particular specification for the court community; and
- the difficulty in finding adequate funding to support national standards development efforts in the court community.

The goals of the JTC Standards Process are:

- technical excellence;
- prior implementation and testing;
- clear, concise, and easily understood documentation;
- openness and fairness; and
- timeliness.

The procedures described in this document are designed to be fair, open, and objective; to reflect existing (proven) practice; and to be flexible.

These procedures are intended to provide a fair, open, and objective basis for developing, evaluating, and adopting JTC Standards. They provide ample opportunity for participation and comment by all interested parties. At each stage of the standardization process, a specification is repeatedly discussed and its merits debated in open meetings and/or public electronic mailing lists, and it is made available for review on the NCSC Website.

These procedures are explicitly aimed at recognizing and adopting generally-accepted practices. Thus, a candidate specification must be implemented and tested for correct operation and interoperability by multiple independent parties and utilized in increasingly demanding environments, before it can be adopted as a JTC Standard.

These procedures provide a great deal of flexibility to adapt to the wide variety of circumstances that occur in the standardization process. Experience has shown this flexibility to be vital in achieving the goals listed above.

The goal of technical excellence, the requirement for prior implementation and testing, and the need to allow all interested parties to comment all require significant time and effort. On the other hand, today's rapid development of networking technology demands timely development of standards. The JTC Process is intended to balance these conflicting goals. The process is believed to be as short and simple as possible without sacrificing technical excellence, thorough testing before adoption of a standard, or openness and fairness.

1 The Players

The players involved in the JTC Standards Process include the following:

1.1 Conference of Chief Justices

The role of the Conference of Chief Justices (CCJ) is defined in CCJ Resolution 13. CCJ ratifies standards adopted by COSCA and NACM and supports COSCA and NACM in their Standards development roles by:

- Disseminating information about proposed and approved technology standards among the courts of their states;

- Encouraging the inclusion of approved technology standards in state strategic plans; encouraging executive branch agencies to use approved communication protocols and standards in information-sharing systems that involve the courts;
- When they have the power to do so, adopting rules or orders directing courts within the state:
 - to comply with applicable national communication protocols and standards when procuring or developing new electronic filing and information-sharing systems or when adding these functions to existing case management information systems;
 - to comply with applicable national standards when procuring or developing other new applications, unless there is compelling justification not to do so; and
 - to comply with, or migrate toward, applicable national standards when enhancing existing applications.

1.2 COSCA and NACM

The Conference of State Court Administrators (COSCA) and the National Association of Court Managers (NACM) sponsor the Joint Technology Committee (JTC) and its standards development activities and approve all standards developed by the JTC.

1.3 The Joint Technology Committee (JTC)

The Joint Technology Committee (JTC) is the decision-recommending board of the standards process. JTC decisions have force only with COSCA/NACM concurrence.

1.4 Standards Working Group (SWG)

The Standards Working Group is a standing committee of the Joint Technology Committee responsible for standards related activities and making recommendations to the JTC. Membership of the SWG is by appointment of the JTC Chairs and will include two JTC Members, one of whom will serve as Chair and three Court Information Technology Officers Consortium (CITOC) members, one of whom will serve as Vice-Chair.

1.5 Court Information Technology Officers Consortium (CITOC)

The Court Information Technology Officers Consortium (CITOC) is the group of court chief information technology officers chartered by the Conference of State Court Administrators (COSCA) and the National Association for Court Management (NACM) for the purpose of supporting their efforts to use technology to improve the management and administration of courts. CITOC is a principal stakeholder and contributor to the JTC Standards Process. CITOC provides support to the work of the JTC, under the direction of the Boards of COSCA and NACM, within the parameters established by the JTC Charter and the COSCA/NACM Memorandum of Understanding and supports the National Center for State Courts' (NCSC) efforts to carry out the agenda of the JTC.

1.6 National Center for State Courts (NCSC)

The NCSC serves as staff to the JTC and is a signatory of the Memorandum of Understanding forming the Joint Technology Committee. NCSC serves as the RFC Editor and may contract out such services. NCSC will provide staff support to the CCJ, COSCA, NACM, JTC, and the SWG as it relates to the Standards Process and will host the Standards web site and publish all standards related documents. NCSC will determine the resource capacity of the JTC's Standards efforts and will work with the JTC to align JTC and NCSC project objectives with that capacity.

1.7 RFC Editor

The primary standards process documents are called Request For Comments (RFCs) defined in Section 2 below. The RFC editor is responsible for logistical coordination of RFCs including assuring that RFC submittals follow established standards for content coverage and format and that the RFC library is maintained and is accessible. The editor will advise submitters on content and format, but the ultimate responsibility for providing a sufficient RFC in acceptable format rests with the author(s) of the RFC.

1.8 Technical Working Groups (TWGs)

Technical Working Groups (TWGs) are commissioned by the SWG to perform specific review and evaluation of Candidate Standards, related implementations, and operational experience as defined in Section 3. Membership on a TWG is primarily drawn from CITOC. Membership can also be drawn from other Stakeholders with specific expertise related to the RFC being reviewed. The duration of a TWG corresponds to the review schedule set by the SWG for a particular candidate standard.

1.9 Public

The public includes all process participants, all court stakeholders, and all those who are generally understood to be the "public". Any person may make comment on RFCs under consideration. Specific procedures to ensure fair and appropriate opportunities for public comment will be developed by the SWG.

1.10 Stakeholders

Stakeholders are those who are materially affected by the work of the SWG. The SWG has a direct interest in stakeholders because the success of standards recommended by the SWG is ultimately determined by the use of those standards by programs, projects, tasks, or other activities directed by or performed by SWG Stakeholders. The Court Information Technology Officers Consortium (CITOC) is a special group of SWG stakeholders with defined responsibilities in the standards process.

2 Standards-related publications

2.1 Requests for Comments (RFCs)

The primary process documents are called Request For Comments (RFCs) and are similar to the RFCs established by the IETF. However, these RFCs have been tailored to meet JTC-unique

requirements and needs. There are three main tracks for processing of RFCs— JTC Standards, Best Current Practice (BCP) Standards, and Informational Notes. When RFCs enter the approval processes they are given an additional Category label that identifies what track the RFC is taking and where it is in that track, or its Maturity Level.

Some RFCs are intended to be JTC Standards. The Category/Maturity labels for JTC Standards track RFCs are Candidate Standard, Proposed Standard, Draft Standard, Recommended Standard and JTC Standard.

Some RFCs standardize the results of community deliberations about statements of principle or conclusions about what is the best way to perform some operations or court process function. The Category/Maturity label for JTC BCPs are Candidate BCP, Proposed BCP, Recommended BCP, and BCP Standard

Some RFCs are “Informational” and are not suitable for standardization. An "Informational" specification is published for the general information of the court community, and does not necessarily represent court consensus or a JTC recommendation. The Informational designation is intended to provide for the timely publication of a very broad range of responsible informational documents from many sources, subject only to editorial considerations and review by the SWG. The Category/Maturity label for JTC Information Notes are Candidate Informational Note and Informational Note.

The rules for formatting and submitting an RFC are defined in JTC-RFC-003 - Instructions to RFC Authors [2]

2.2 Standards Track

The Standards Track starts with the submission of an RFC that becomes a Candidate Standard. A Candidate Standard can be promoted to a Proposed Standard, to a Draft Standard, to a Recommended Standard, and finally declared officially a JTC Standard after going through the Standards Process detailed in Section 3.

2.2.1 Candidate Standard

An RFC becomes a Candidate Standard upon submission to the standards approval process and after an initial review by the RFC Editor and a determination by the SWG that it should be accepted into the standards approval process in the standards track.

2.2.2 Proposed Standard

A Candidate Standard becomes a proposed standard when the SWG determine that it

- is relevant to the court domain,
- is generally stable,
- has sufficient specificity, and
- is well understood, and appears to enjoy enough community interest to be considered valuable.

However, further experience might result in a change or even retraction of the proposed standard before it advances.

A Proposed Standard should have no known technical omissions with respect to the requirements placed upon it. Implementers should treat Proposed Standards as immature specifications. It is desirable to implement them in order to gain experience and to validate, test, and clarify the specification. However, since the content of Proposed Standards may be changed if problems are found or better solutions are identified, deploying implementations of such standards into a disruption-sensitive environment is not recommended.

2.2.3 Draft Standard

To become a Draft Standard, a proposed standard must be technically of high quality, must be well understood and known to be quite stable, and must have at least two successful implementations demonstrating the standard has been fully tested and implemented in a real-world environment. It should be noted that in standards process terminology, a single independent implementation and an instantiation of the implementation by a different independent project counts as two independent implementations.

The Working Group chair is responsible for documenting the specific implementations which qualify the specification for Draft Standard status along with documentation about testing of the interoperation of these implementations.

A Draft Standard is normally considered to be a final specification, and changes are likely to be made only to solve specific problems encountered. In most circumstances, it is reasonable for vendors to deploy implementations of Draft Standards into a disruption sensitive environment.

2.2.4 Recommended Standard

A Draft Standard for which significant implementation and successful operational experience has been obtained may be elevated to the Recommended Standard level. A Recommended Standard is characterized by a high degree of technical maturity and will have garnered significant positive interest from the court community.

2.2.5 JTC Standard

Finally, a Recommended Standard becomes a JTC Standard when COSCA and NACM have both formally approved the JTC recommendation that the Standard be so designated. After formal approval, the JTC Standard is published on the NCSC Standards web site.

2.3 Best Current Practice (BCP) Standards Track

The BCP is designed to be a way to standardize practices and the results of community deliberations. A BCP document is subject to the same basic set of procedures as standards track documents and thus is a vehicle by which the JTC community can define and ratify the community's best current thinking on a statement of principle or on what is believed to be the best way to perform some operations or court process function.

Historically, JTC Standards have generally been functionality standards for case management information systems, standards for electronic filing of court documents, and standards for the use of XML in transmitting data to and from courts. As the court architecture is defined the standards will become more technical in nature. However, since the courts are composed of a variety of organizations with diverse structures and rules, it will occasionally become necessary

to recommend common guidelines for policies and operations to facilitate smooth operations within and among courts and the broader justice community.

While these guidelines are generally different in scope and style from standards, their establishment needs a similar process for consensus building.

Process participants often represent entities that are leaders in the community. As leaders in the court community, these entities should have an outlet to propose ideas to stimulate work in a particular area, to raise the community's sensitivity to a certain issue, to make a statement of architectural principle, or to communicate their thoughts on other matters. The BCP creates a smoothly structured way for these entities to insert proposals into the consensus-building machinery of the SWG while gauging the community's view of that issue.

Finally, the BCP series may be used to document the operation of the JTC itself. For example, this document defines the JTC Standards Process and is published as a BCP.

The BCP track starts when an RFC is submitted to the SWG as a Candidate Standard. It can be promoted to a Proposed BCP, a Recommended BCP and finally receive full BCP status after going through the standards process detailed in Section 3. The BCP process is similar to that for Standards. The Candidate BCP is submitted to the SWG for initial screening and first level review as a proposed standard. However, once the document completes the first level of review and is approved, the process ends and the document is published.

2.3.1 Candidate BCP

An RFC becomes a Candidate BCP upon submission to the standards approval process and after and initial review by the RFC Editor and the SWG determines that it should be accepted into the standards approval process in the BCP track.

2.3.2 Proposed BCP

A Proposed BCP must: be relevant to the court community, be generally stable, have sufficient specificity, be well understood, and appear to enjoy enough community interest to be considered valuable. However, further experience or review might result in a change or even retraction of the proposed BCP before it advances.

2.3.3 Recommended BCP

A Proposed BCP becomes a Recommended BCP when it has been thoroughly vetted through the first level review process and the document demonstrated a high degree of maturity, and also has garnered positive support from the court community.

2.3.4 BCP Standard

Finally, a Recommended BCP becomes a BCP Standard when COSCA and NACM have both formally approved the JTC recommendation that the BCP be so designated. After formal approval, the BCP is published on the NCSC Standards web site.

2.4 Informational Note

Not every specification is on the standards track. An Informational Note is a document that contains useful information but is not a standard. A proposed standard that went through the standards process and did not become a standard may be designated an Informational Note by the SWG because it contained important and useful information. Standards process participants can also directly submit Informational Notes. For example, JTC-RFC-003, Instructions to RFC Authors, is an Informational Note.

Unless they are the result of SWG action, documents intended to be published with Informational status should be submitted directly to the RFC Editor. The RFC Editor will publish any such documents with the Category designation: Candidate Informational Note. The RFC Editor is expected to exercise his or her judgment concerning the editorial suitability of a document for publication with Informational status, and may refuse to publish a document which, in the expert opinion of the RFC Editor, is unrelated to JTC activity or falls below the technical and/or editorial standard for RFCs.

The SWG will perform an initial screening of all Candidate Informational Notes within a reasonable period of time and recommend that it be published as originally submitted, rejected, or referred to the JTC as a contribution to the JTC Standards Process. Upon JTC endorsement, the RFC becomes an Informational Note.

2.5 Historical

A specification that has been superseded by a more recent specification or is for any other reason considered to be obsolete is assigned to the "Historical" level.

2.6 Version Numbering Scheme

The JTC has formalized the numbering scheme for submission and publishing of Request for Comment (RFC) related documents. All versions of the RFC document shall follow the following convention:

JTC-RFC-NNNvX[.YY]

Where:

NNN represents the three-digit RFC number assigned by the JTC to new RFC documents.

The three digits following the letter "v" encapsulate the version numbers of the document.

The first digit ("X") represents the major number, which is expected to change infrequently while the last two optional digits ("YY") represent the minor version numbers, which will change in ascending order with every revision of the document, while the document is undergoing revision.

Major and minor version numbers (if present) shall be separated by a single period ("."). Final "official" releases shall not have minor release numbers. Minor release numbers shall have a leading zero when needed.

Major version numbers shall begin with "0" while minor version numbers shall begin with "01". The initial version of a document shall thus be "0.01".

All releases with minor release numbers shall be deemed to represent the “editorial” phase or development phase. This phase shall have a mandatory two-digit minor version number that shall be updated at the discretion of the RFC Editor.

All releases lacking minor release numbers shall be deemed to represent the “published” phase or stable phase. This phase shall not contain minor version numbers.

Upon completion of the editorial phase, the major version shall be incremented for the published version. For example, editorial versions 0.01 through 0.05 would result in published version 1. Subsequent editorial versions shall apply to the next published version. For example, subsequent editorial versions 1.01 through 1.14 would then result in published version 2.

Examples:

JTC-RFC-004v0.01.doc - Editorial phase leading to version 1, first version received from RFC Author

- JTC-RFC-004v0.10.doc - Editorial phase leading to version 1, version 10 of the document
- JTC-RFC-004v1.pdf - Published phase, major release 1
- JTC-RFC-004v1.01.doc - Editorial phase leading to version 2
- JTC-RFC-004v2.pdf - Published phase, major release 2

3 JTC Standards Process

This section describes the JTC Standards Process. There are two distinct phases of the process. The first phase consists of developing an RFC and the second phase consists of the process through which the RFC is approved. Figure 1 and the descriptions which follow contain cross-references in the form of numbered items.

3.1 Path to RFC

The RFC process can be set in motion by many sources of standards, or of requirements for standards. In particular, standards track RFCs may be solicited in response to court or broader justice community program or project requirements. Developers or users of a standard or common practice may also submit an unsolicited RFC to the SWG for consideration. Figure 1 illustrates these two paths to producing a JTC RFC.

Regardless of whether the RFC was produced under the "Solicited" path (Section 3.1.1) or the "Unsolicited" path (Section 3.1.2), once the RFC is ready, it can be submitted into the approval process (Section 3.2). A separate document, *JTC-RFC-003 - Instructions to RFC Authors*, describes the form and content of an RFC.

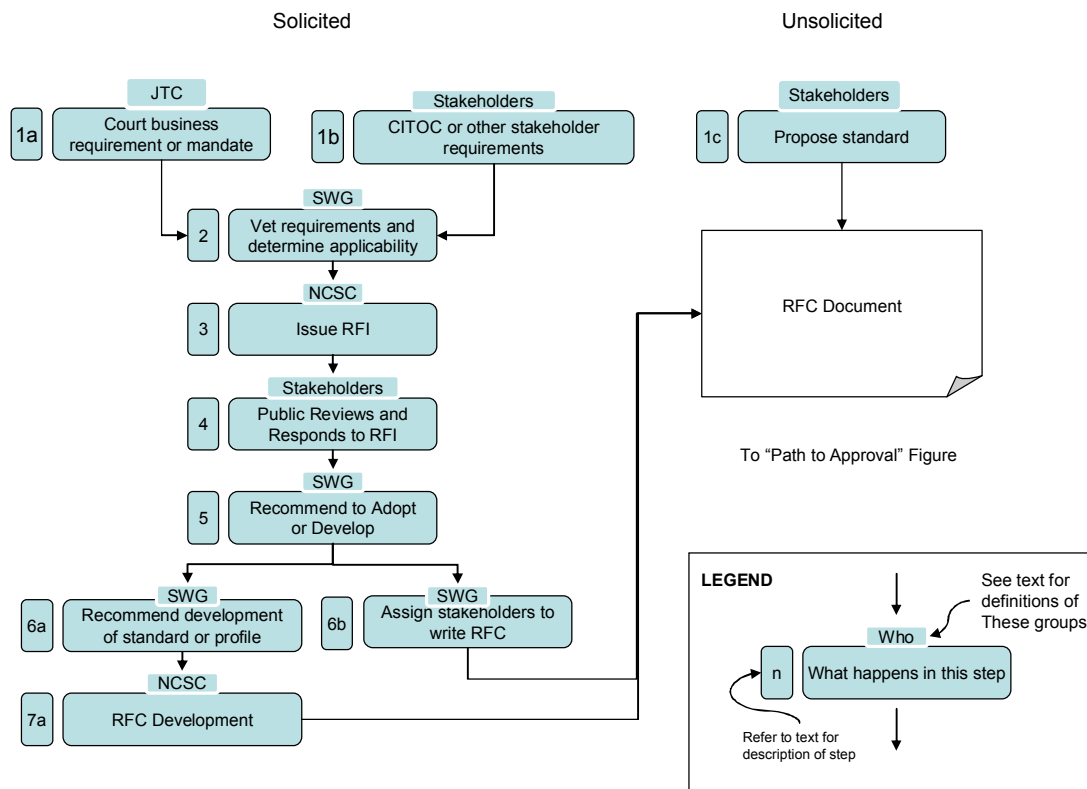


Figure 1: Standards Process: Path to RFC

3.1.1 Solicited

(1a) Standards track RFCs may be solicited in response to federal mandates or business requirements as identified by CCJ, COSCA, NACM, NCSC and articulated by the JTC.

(1b) The RFC process may also be initiated in response to requirements from Stakeholders as identified through CITOC or directly to JTC.

(2) In either case, the SWG will review the new mandate or requirements to determine general applicability to the courts and the JTC. At this stage, the SWG may refine the project requirements for applicability to the courts as a whole in order to identify whether it is appropriate for the standards process.

(3) The result of this requirements review will be a Request for Information (RFI) about potential standards for the identified business requirement. A specific potential standard may be identified in the RFI – for example, the mandate may name the standard to be implemented – or the RFI may request suggestions for potential standards to meet the needs identified.

(4) Anyone may comment on a SWG RFI. Community response may include suggestions to adopt or modify an existing standard, or ideas for new standards. When drawing on existing

standards, the public may recommend standards from standards organizations or standards from vendors or other industry consortia or vendors or other groups.

(5) After the public comment period, the SWG will evaluate all responses to the RFI and recommend either adoption of a standard, as is, development of a profile or extension of an standard, or development of a new standard.

(6a) If the SWG recommends development of a new standard, profile or extension, the JTC will determine whether or how to implement that new development. Note that standards development is not part of this standards process.

(6b) If the SWG recommends adoption of an existing standard, upon JTC endorsement, SWG will ask a group or individual to draft an RFC documenting the proposed standard. Potential candidates to draft the RFC include the original developer of the standard, the member(s) of the court community who recommended the standard for adoption, member(s) of CITOC, and NCSC. All development efforts will be coordinated with NCSC.

(7a) The development of a technical standard is not part of this standards process. If the SWG recommends development of a new standard or profile or extension of an existing standard, JTC will work with NCSC to accomplish this development through any appropriate mechanism. These mechanisms may include issuance of new contract tasks, cooperative agreements, grants, or other procurements. Standards development may be accomplished by working through standards development bodies or may be independently pursued. After the independent standard development, the development bodies can submit their new standards to the SWG as a proposed standard (1c).

3.1.2 Unsolicited

(1c) A prime source for JTC Standards is the community of users, who may recommend standardization of particular tools, protocols, external standards, or formats that have been found to be particularly useful. In addition, a vendor may choose to document a particular implementation or format for possible adoption as a JTC Standard. While these groups may respond to a JTC RFI with their recommendations, they may also draft an RFC documenting the potential standard and submit it to the SWG unsolicited.

Anyone can submit an unsolicited RFC as an Informational Note or for BCP or Standards track consideration.

3.2 Standards Approval Process

A group or an individual can submit an RFC document to the SWG. Section 3.1 describes the different ways an RFC document may be generated. Standards, BCP and Informational Note RFCs will be evaluated for approval through the standards process. The evaluation is based on the standards specification, two independent implementations, and operational experience.

The Figure 1 shows the overall flow of the four phases of the approval portion of the standards process: the initial screening; review with 2+ implementations; and review with operational experience. The four phases are discussed below. All RFCs, review announcements, comments received, supporting documents and other related materials will be maintained by the SWG as outlined in Section 5.

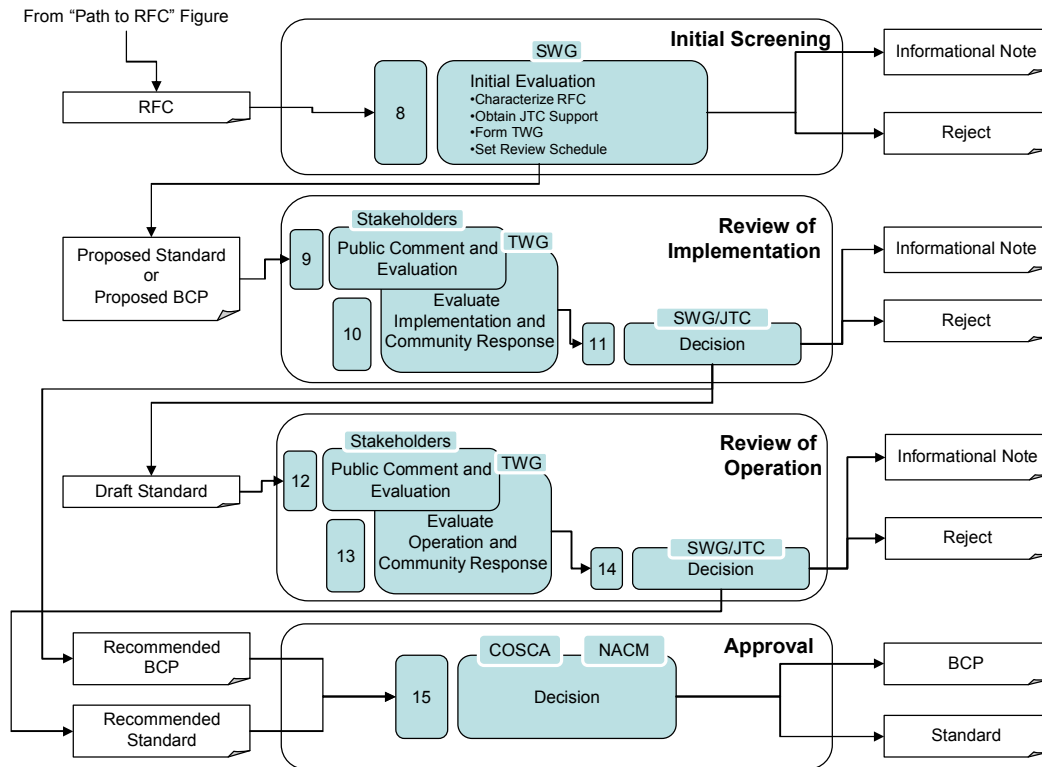


Figure 2: Standards Process-- Path to Approval

3.2.1 Initial Screening

(8) The SWG will perform an initial evaluation and screening of the RFC to determine if it is a JTC Standards track, BCP Standards track or Informational Note track document, or if the RFC lacks sufficient merit to advance further on the path to approval. Although all standards track RFCs are evaluated on the complete set of required components (standards specification, two independent implementations, and operational experience), in this initial screening phase the RFC needs to contain only the standards specification and a reference to one implementation. Information about the second independent implementation and operational experience may be added later in the standards process.

If the RFC is without merit and rejected, the SWG will communicate this to the RFC author. If the RFC is an Informational Note, then the RFC will be published by the SWG and made available on the NCSC Standards website.

If the RFC is a standards track document, then the SWG will work with the JTC to determine the scope of the applicability of the proposed standard and will obtain JTC support for moving forward.

If the RFC is a proposed standard, then the SWG will form a TWG to give an objective technical evaluation of the proposed standard and the two independent implementations. The SWG will identify and select members of the TWG. The selection will be based on applications from court community members who wish to be on the TWG, as well as identification and invitation of notable technical experts.

The SWG will set the review schedule for the proposed standard. The review schedule and scope will be based on the scope and characteristics of the proposed standard. For example, a widely used standard may only need a short review cycle whereas a new standard may need a longer review cycle.

The review schedule will include the dates of the expected SWG review (steps 11 and 14 below). The TWG must complete its evaluations so that the review can commence on time. The SWG may adjust the schedule to accommodate unforeseen circumstances. However, simple lack of community or stakeholder input should not be sufficient cause to delay review. Indeed, lack of input might be an indicator that there is no active support for the proposed standard.

3.2.2 Review of Implementation

In this phase of the standards process, the TWG will conduct a public review of the proposed standard by reviewing the standards specification document and the independent implementations. If the RFC was submitted with only one implementation, then this phase will be postponed until the RFC author submits information about at least one more independent implementation. If the RFC author does not submit information about a second implementation within the allowed time limit, which is determined by the SWG, then the proposed standard will be rejected.

(9) The SWG will announce a public review of the proposed standard and the two reviewed implementations. The SWG may solicit key stakeholders to comment on proposed core standards.

(10) The TWG will evaluate the community response and will conduct its own objective technical review and assessment.

(11) The SWG receives the public comments and the TWG's evaluations. An RFC that does not generate positive response or recommendations should not be promoted. It is not sufficient to have no negative feedback. Lack of positive feedback suggests that there is little active support for a proposed standard and could be an indicator that there will be little enthusiasm to employ it. The SWG will make a recommendation to the JTC on whether to promote the proposed standard to a draft standard. If the proposed standard needs revision, the SWG will determine if the revisions needed are editorial in nature, in which case the proposed standard will continue in the standards track after the editorial revisions are completed, or whether the revisions needed affect the technical content of the proposed standard. If revisions affecting the technical content of the proposed standard are needed, the SWG will notify the RFC authors and the proposed standard will be rejected. The RFC authors may resubmit their RFC after completing the revisions and may re-enter the standards process at step 8, Initial Screening.

The proposed standard can be rejected at this phase for varied reasons, or designated to be an informational Note. If the proposed standard is designated to be an Informational Note, the SWG will publish the RFC and make it available on the NCSC Standards web site.

BCP tracked standards progress through this step. If the RFC receives favorable public comment and TWG review, the SWG may recommend to the JTC that it be adopted as a BCP Standard. Upon JTC approval, the document will be published and make available on the NCSC Standards web site.

For standards track documents, if the proposed standard is promoted to a draft standard, then the third phase of the standards process is initiated.

3.2.3 Review of Operation

In this phase of the standards process, the TWG will conduct a public review of the draft standard specification, the two independent implementations, and operational experience. If the RFC was submitted without information about operational experience, then this phase is postponed until the RFC author submits information about the operational experience. If the RFC author does not submit the information about the operational experience within the allowed time limit, which is determined by the SWG, then the draft standard will be rejected. During the Review of Operation Phase, the SWG may also adjust the review schedule.

(12) The SWG will announce a public review of the draft standard, the two independent implementations, and the operational experience. The SWG may solicit key stakeholders to comment on the draft standard.

(13) The TWG will evaluate the community response and will conduct its own objective technical review and assessment. Although the operational experience is the only new part in this phase of the review, the standards document and the two implementations may also be reviewed again.

(14) The SWG will receive public comments and the TWG's evaluations. As in step 11, an RFC that does not generate positive response or recommendations should not be promoted. It is not sufficient to have no negative feedback. Lack of positive feedback suggests that there is little active support for a proposed standard and could be an indicator that there will be little enthusiasm to employ it. The SWG, will make a recommendation to the JTC on whether to promote the draft standard to a JTC Standard, or whether to move the draft standard, to make it an Informational Note, or to reject the draft standard altogether. If the draft standard needs revision, the SWG will determine if the revisions needed are editorial in nature, in which case the draft standard will continue in the standards track after the editorial revisions are completed, or whether the revisions needed affect the technical content of the draft standard. If revisions affecting the technical content of the draft standard are needed, the SWG will notify the RFC authors and the draft standard will be rejected. The RFC authors may resubmit their RFC after completing the revisions and may re-enter the standards process at step 8, Initial Screening.

If the draft standard is approved by the JTC it will be published on the NCSC Standards web site and will be forwarded to COSCA and NACM as a Recommended Standard for adoption.

(15) The JTC chairs present the Recommended Standard to COSCA and NACM and when approved by both organizations the document becomes a JTC Standard. When COSCA and

NACM both approve the Recommended Standard the document becomes for approval. becomes a JTC Standard and it will be published on the NCSC standards web site. If the Recommended Standard needs revision, the SWG will determine if the revisions needed are editorial in nature, in which case the draft standard will continue in the standards track after the editorial revisions are completed, or whether the revisions needed affect the technical content of the draft standard. If revisions affecting the technical content of the draft standard are needed, the SWG will notify the RFC authors and the draft standard will be rejected. The RFC authors may resubmit their RFC after completing the revisions and may re-enter the standards process at step 8, Initial Screening.

3.3 Revising Standards

A new version of a Standard must progress through the full standardization process as if it were a completely new specification. Once the new version has reached the Standard level, it will usually replace the previous version, which will be moved to Historical status. However, in some cases both versions may remain as JTC Standards to honor the requirements of an installed base. In this situation, the relationship between the previous and the new versions must be explicitly stated in the text of the new version or in another appropriate document.

3.4 Retiring a Standard

As the technology changes and matures, it is possible for a new Standard specification to be so clearly superior technically that one or more existing standards track specifications for the same function should be retired. In this case, or when it is felt for some other reason that an existing standards track specification should be retired, the JTC shall approve a change of status of the old specification(s) to Historical. This recommendation shall be subjected to a public comment period overseen by the SWG and approved by the JTC. Any Process Participant can request that an existing standard be retired.

4 External Standards and Specifications

It is the intent of the JTC to adopt existing standards whenever they are available and applicable to the court community. External Standards and Specifications can be adopted by reference through the RFC process. JTC is not required to fully vet External Standards and Specification using the Standards Process. In these cases the SWG will use the Variance Procedures defined in Section 6. To the extent possible JTC will adopt open standards and will not endorse one proprietary standard over another unless there it is in the best interest of the courts to do so. In all cases the provisions of Section 7 must be complied with.

5 Notice and Record Keeping

The JTC will maintain a web site containing the record of JTC standards-related activity that shall include at least the following:

1. The charter of the SWG
2. Instructions to RFC Authors
3. Announcements related to RFCs

4. RFC documents and supporting materials
5. List of all RFCs and their status (e.g. where they are in the process; which ones are current standards, obsolete, etc.)

6 Varying the Process

This document, which sets out the rules and procedures by which JTC Standards and related documents are made is itself a product of the Standards Process. While, when published, this document represents the community's view of the proper and correct process to follow, and requirements to be met, to allow for the best possible Standards and BCPs, it cannot be assumed that this will always remain the case. From time to time there may be a desire to update it, by replacing it with a new version. Updating this document uses the same open procedures as are used for any other BCP.

In addition, there may be situations where following the procedures leads to a deadlock about a specific specification, or there may be situations where the procedures provide no guidance. In these cases it may be appropriate to invoke the variance procedure described below.

6.1 The Variance Procedure

Upon the recommendation of the SWG the JTC may enter a particular specification into, or advance it within, the standards track even though some of the requirements of this document have not or will not be met. The JTC may approve such a variance, however, only if it first determines that the likely benefits to court community are likely to outweigh any costs to the court community that result from noncompliance with the requirements in this document. In exercising this discretion, the JTC shall at least consider

- a) the technical merit of the specification,
- b) the possibility of achieving the goals of the Internet Standards Process without granting a variance,
- c) alternatives to the granting of a variance,
- d) the collateral and precedential effects of granting a variance, and
- e) the JTC's ability to craft a variance that is as narrow as possible.

The SWG shall submit to the JTC documentation justifying any variances. In determining whether to approve a variance, the JTC has discretion to limit the scope of the variance to particular parts of this document and to impose such additional restrictions or limitations as it determines appropriate to protect the interests of the court community.

Variances must be approved through formal motion and recorded in the minutes of a JTC meeting.

6.2 Exclusions

No use of this procedure may exempt any proposal from the requirements of openness, fairness, or consensus.

7 Intellectual Property Rights

7.1 General Policy

In all matters of intellectual property rights and procedures, the intention is to benefit the court community and the public at large, while respecting the legitimate rights of others.

7.2 Confidentiality Obligations

No contribution that is subject to any requirement of confidentiality or any restriction on its dissemination may be considered in any part of the JTC Standards Process, and there must be no assumption of any confidentiality obligation with respect to any such contribution.

7.3 Rights and Permissions

In the course of standards work, the National Center for State Courts (NCSC) receives contributions in various forms and from many persons. To best facilitate the dissemination of these contributions, it is necessary to understand any intellectual property rights (IPR) relating to the contributions.

7.3.1 All Contributions

By submission of a contribution, each person actually submitting the contribution is deemed to agree to the following terms and conditions on his own behalf, on behalf of the organization (if any) he represents and on behalf of the owners of any proprietary rights in the contribution. Where a submission identifies contributors in addition to the contributor(s) who provide the actual submission, the actual submitter(s) represent that each other named contributor was made aware of and agreed to accept the same terms and conditions on his own behalf, on behalf of any organization he may represent and any known owner of any proprietary rights in the contribution.

1. Some works (e.g. works of the U.S. Government) are not subject to copyright. However, to the extent that the submission is or may be subject to copyright, the contributor, the organization he represents (if any) and the owners of any proprietary rights in the contribution, grant an unlimited perpetual, non-exclusive, royalty-free, world-wide right and license to the NCSC under any copyrights in the contribution. This license includes the right to copy, publish and distribute the contribution in any way, and to prepare derivative works that are based on or incorporate all or part of the contribution, the license to such derivative works to be of the same scope as the license of the original contribution.
2. The contributor acknowledges that the NCSC have no duty to publish or otherwise use or disseminate any contribution.
3. The contributor grants permission to reference the name(s) and address(es) of the contributor(s) and of the organization(s) he represents (if any).
4. The contributor represents that contribution properly acknowledge major contributors.
5. The contributor, the organization (if any) he represents and the owners of any proprietary rights in the contribution, agree that no information in the contribution is confidential and

that the NCSC and its affiliated organizations may freely disclose any information in the contribution.

6. The contributor represents that he has disclosed the existence of any proprietary or intellectual property rights in the contribution that are reasonably and personally known to the contributor. The contributor does not represent that he personally knows of all potentially pertinent proprietary and intellectual property rights owned or claimed by the organization he represents (if any) or third parties.
7. The contributor represents that there are no limits to the contributor's ability to make the grants acknowledgments and agreements above that are reasonably and personally known to the contributor.

7.3.2 Standards Track Documents

- a) Where any patents, patent applications, or other proprietary rights are known, or claimed, with respect to any specification on the standards track, and brought to the attention of the JTC, the JTC shall not advance the specification without including in the document a note indicating the existence of such rights, or claimed rights. Where implementations are required before advancement of a specification, only implementations that have, by statement of the implementers, taken adequate steps to comply with any such rights, or claimed rights, shall be considered for the purpose of showing the adequacy of the specification.
- b) The JTC disclaims any responsibility for identifying the existence of or for evaluating the applicability of any claimed copyrights, patents, patent applications, or other rights in the fulfilling of the its obligations under (a), and will take no position on the validity or scope of any such rights.
- c) Where the JTC knows of rights, or claimed rights under (a), The NCSC shall attempt to obtain from the claimant of such rights, a written assurance that upon approval by the JTC of the relevant JTC Standards track specification(s), any party will be able to obtain the right to implement, use and distribute the technology or works when implementing, using or distributing technology based upon the specific specification(s) under openly specified, reasonable, non-discriminatory terms. The results of this procedure shall not affect advancement of a specification along the standards track, except that the JTC may defer approval where a delay may facilitate the obtaining of such assurances. The results will be included in any RFC published containing the specification.

7.3.3 Determination of Reasonable and Non-discriminatory Terms

The JTC will not make any explicit determination that the assurance of reasonable and non-discriminatory terms for the use of a technology has been fulfilled in practice. It will instead use the normal requirements for the advancement of JTC Standards to verify that the terms for use are reasonable. If the two unrelated implementations of the specification that are required to advance from Proposed Standard to Draft Standard have been produced by different organizations or individuals or if the "significant implementation and successful operational experience" required to advance from Draft Standard to Recommended Standard has been

achieved the assumption is that the terms must be reasonable and to some degree, non-discriminatory. This assumption may be challenged during the public comment period.

7.4 Notices

- a) The following copyright notice and disclaimer shall be included in all JTC Standards-related documentation:

"Copyright (C) National Center for State Courts (date). All Rights Reserved.

This document and translations of it may be copied and furnished to others, and derivative works that comment on or otherwise explain it or assist in its implementation may be prepared, copied, published and distributed, in whole or in part, without restriction of any kind, provided that the above copyright notice and this paragraph are included on all such copies and derivative works. However, this document itself may not be modified in any way, such as by removing the copyright notice or references to the Joint Technology Committee or the National Center for State Courts, except as needed for the purpose of developing JTC Standards in which case the procedures for copyrights defined in the JTC Standards process must be followed, or as required to translate it into languages other than English.

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This document and the information contained herein is provided on an "AS IS" basis and THE NATIONAL CENTER FOR STATE COURTS AND THE JOINT TECHNOLOGY COMMITTEE DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY WARRANTY THAT THE USE OF THE INFORMATION HEREIN WILL NOT INFRINGE ANY RIGHTS OR ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE."

- b) Documents that have been supported by through grant funding shall acknowledge the funding source in this section or as required by the funding entity. For example, BJA requires that documents contain the following notice:

"The National Center for State Courts was supported by grant number, (Enter Grant Number), awarded by the Bureau of Justice Assistance. Opinions or points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice."

- c) Standards Track documents shall include the following notice:

"The NCSC takes no position regarding the validity or scope of any intellectual property or other rights that might be claimed to pertain to the implementation or use of the technology described in this document or the extent to which any license under such rights might or might not be available; neither does it represent that it has made any effort to identify any such rights. Information on the NCSC's procedures with respect to rights in standards-track and standards-related documentation can be found in JTC-BCP-002. Copies of claims of rights made available for publication and any assurances of licenses

to be made available, or the result of an attempt made to obtain a general license or permission for the use of such proprietary rights by implementers or users of this specification can be obtained from the NCSC."

- d) The NCSC encourages all interested parties to bring to its attention, at the earliest possible time, the existence of any intellectual property rights pertaining to JTC Standards. For this purpose, each standards document shall include the following invitation:

"The NCSC invites any interested party to bring to its attention any copyrights, patents or patent applications, or other proprietary rights which may cover technology that may be required to practice this standard. Please address the information to the NCSC, Technology Services Division."

- e) Where the JTC is aware at the time of publication of proprietary rights claimed with respect to a standards track document, or the technology described or referenced therein, such document shall contain the following notice:

"The NCSC has been notified of intellectual property rights claimed in regard to some or all of the specification contained in this document. For more information consult the document for a list of claimed rights."

8 References

8.1 Normative References

[2] JTC-RFC-003 Instructions to RFC Authors

8.2 Informative References

[1] S. Bradner, "The Internet Standards Process -- Revision 3," IETF RFC 2026, October 1996; www.ietf.org/rfc/rfc2026.txt.

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10 Appendix A Glossary of Acronyms