A proposal for introducing the ECLI standard in the Italian Judicial Documentary System

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Outline

- ECLI standard

- The italian case and proposal

- Pilot project

- Extraction of italian judicial citations

- Conclusions

Scenario

- Definition of a *European judicial area* where legal documents and legal services are accessible cross-borders

- e-Justice action plan 2009-2013 of the Council of the European Union

- European Parliament Resolution of 9 July 2008

- European e-Justice Portal

European Case Law Identifier (ECLI)

- Accessibility and interoperability of case law require an absolute identifier

- EU Coucil Working Party on e-Law defined the ECLI naming convention

- location and language indipendent

- URI-like syntax

- based on open standards, free adhesion (https://e-justice.europa.eu/ecli)

- specific national implementation for each Member State

ECLI

1. "ECLI"

2. Country code

3. Issuing Authority (Court, Tribunal, etc.)

    - up to 7 characters

4. Year

    - 4 digits

5. A document code

    - up to 25 characters, "." allowed

• Fields are separeted by a ":"

Italian implementation *(ECLI:IT: :)*

- Scientific collaboration with Ministry of Justice

- Proposal of implementation carried on by Ittig

- Pilot case with Court of Milan

Pilot case

- Collaboration with the civil section of the Court of Milan:

    1. transparent assignment of a ECLI identifier for new and legacy documents

    2. identification of judicial references in texts and construction of the corresponding ECLI identifier

- Allows case-laws hypertextual linking across Europe

- Identifying citations can be helpful for both judges and legal scholars

- It's important to distinguish between the cited issuing authorities

Italian Authority Code

- Judicial authorities are organized at national, regional, provincial and municipal level

- *"logical to people familiar with the organisation of the judiciary of the country concerned"* (Tech. report, Council of European Union, April 2011)

- it has to be as human readable as possible and no longer than 7 characters

- Italian cadastral code at municipal level combined with an authority type code

- Court of Milan => "TRIBMI"

- Court of Lucera => "E716OR" *(E716 + OR)*

Italian document code

- Inspired by the existing identification systems

- type "S" *(sentenza)*, "D" *(decreto)*, "O" *(ordinanza)*

- number code or file number code for unnumbered acts

- sub-proceeding and extension to a partner codes

- matter code (AC, PN, LA, MO, etc.)

- disambiguation code for unnumbered acts (dd/mm)

Examples

- ECLI:IT:CASS:2012:S1245PN

- ECLI:IT:TRIBMI:2010:S32AC

- ECLI:IT:E716OR:2009:S303AC

- ECLI:IT:APPMI:2010:S37PN

- ECLI:IT:TRIBMI:2011:D1511AC

- ECLI:IT:TRIBMI:2010:O23.2009AC1502

- ECLI:IT:TARFI:2012:S86

Judicial citations parsing

- Spotting a judicial citation in a text means identifying and extracting the fields that characterize it:

  1. type of referenced document

  2. issuing authority

  3. numbering features

  4. chronological features

At first glance

- There is a lack of consolidated best practices for judicial citations with respect to legislative citations

- Quite big number of ways to express authorities, numbers and dates

- No constraints about order or guarantee of presence of the fields of the ref.

- Fields can be implicit or deduced by human legal logic

- Metadata about the text analyzed can be helpful

- The fields of the reference are mixed with the rest of the text

- No guarantee for fields to be consecutive within the text

Context

- Where is the reference? Where does it begin and where it ends?

- We need to look for fragments of text containing one or more reference

- A Sentence Splitter module is responsible for setting up a context-by-context parsing

Context

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> *"...la stessa Corte di appello di Genova, con sentenza definitiva n. 793 del 2006 (depositata il 5 agosto 2006)..."*

> *"...sentenza della Corte di appello di Trento, sez. dist. di Bolzano n. 46 del 2008, depositata il 2 marzo 2008, corretta con ordinanza depositata in data 11 luglio 2008 e notificata il 9 ottobre 2008..."*
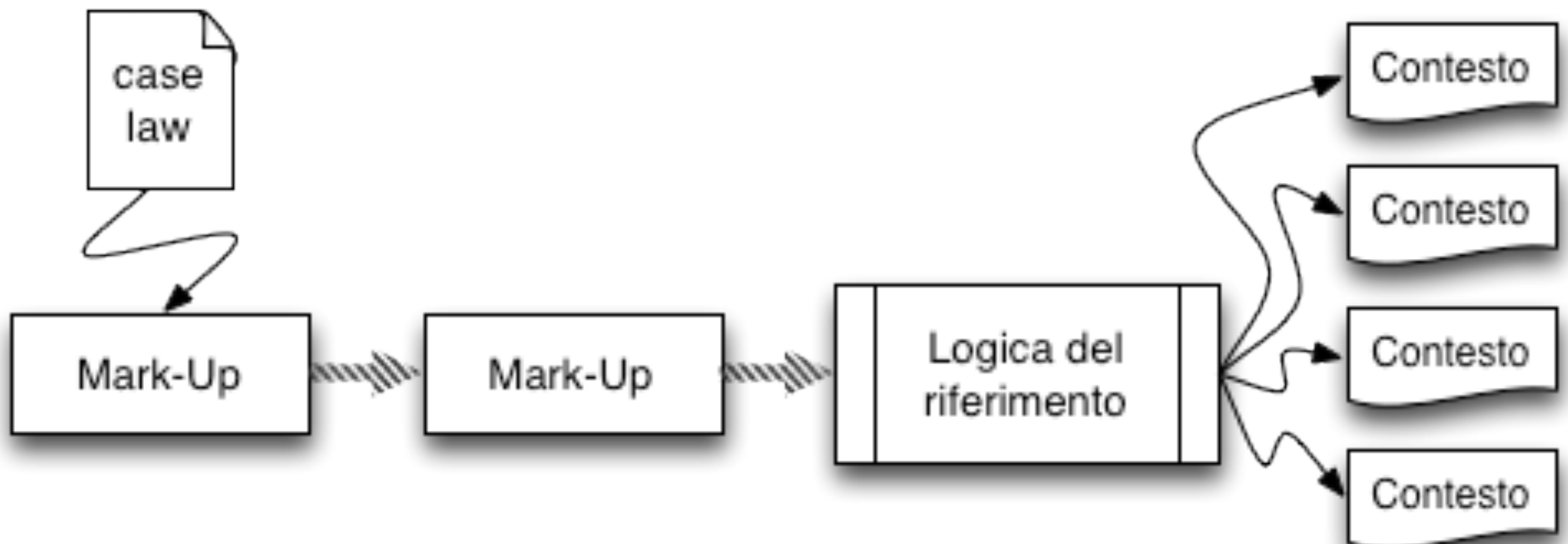
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Strategy

- Rule based approach

- A chain of JFlex modules

- Incremental enrichment of the text with different mark-ups

- The output is a collection of contexts containing one or more judicial references
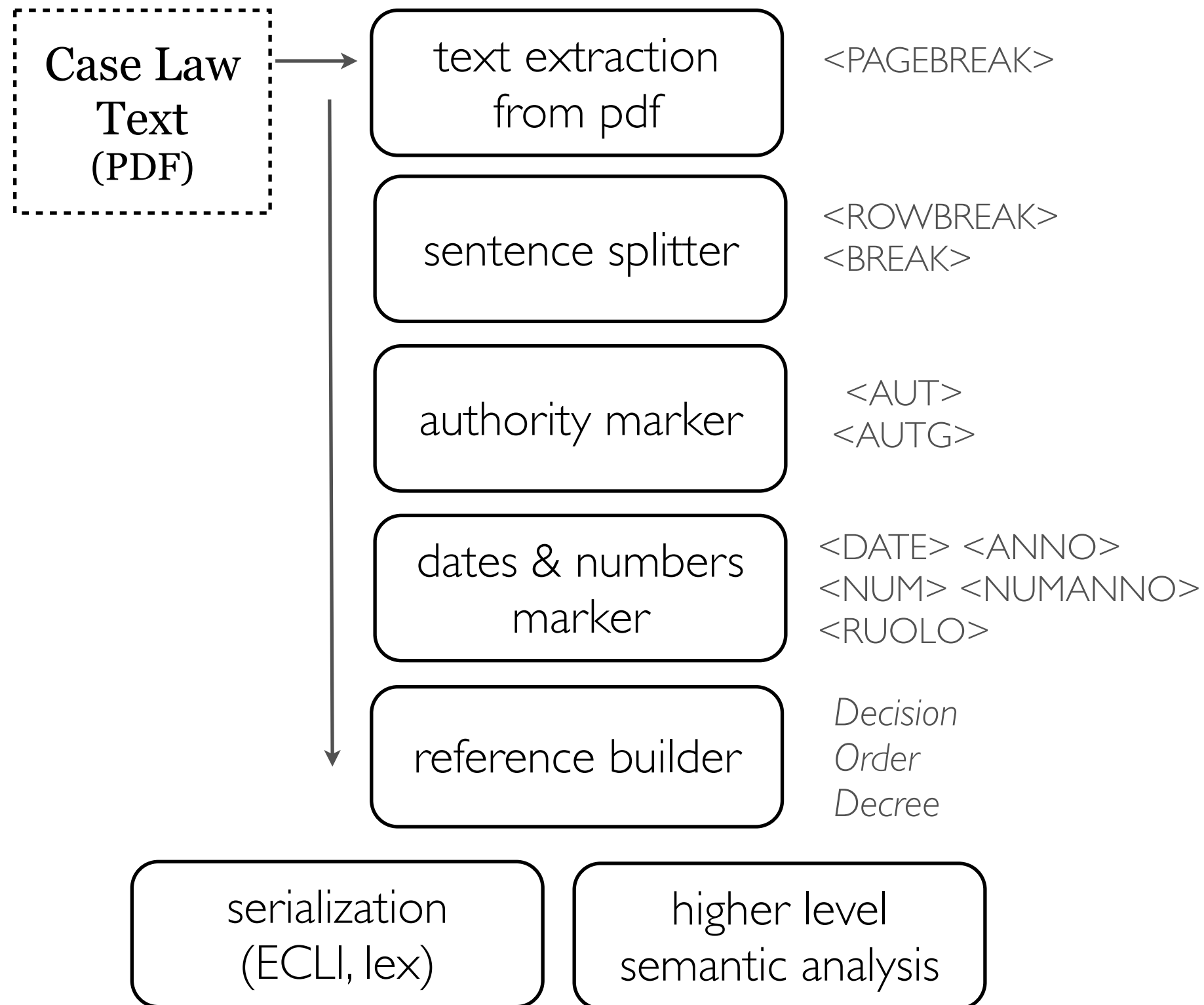
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Stack

Case Law Text (PDF) → text extraction from pdf — `<PAGEBREAK>`

sentence splitter — `<ROWBREAK>` `<BREAK>`

authority marker — `<AUT>` `<AUTG>`

dates & numbers marker — `<DATE>` `<ANNO>` `<NUM>` `<NUMANNO>` `<RUOLO>`

reference builder — *Decision* *Order* *Decree*

serialization (ECLI, lex)

higher level semantic analysis

Authority Marker

- It recognizes many kind of courts and tribunals, sections and geo locations

Cass., sez. II
Cass. civ., Sez. lavoro
Sezione tributaria della Corte di Cassazione
S.U. della Suprema Corte
Cons. Stato, Sez. V
T.A.R. Abruzzi L'Aquila
Corte d'Appello di Palermo
Sez. dist. di Taranto - Corte d'appello di Lecce
Tribunale di Livorno sez. distaccata di Cecina
Corte di Appello di Milano, sez. III pen.
Trib. Termini Imerese
Tribunale civile di Milano sez. di Rho
Giudice di Pace di Treviso
Procura della Repubblica di Milano
Quarta Sezione del Tribunale di Milano

Date Marker

- It is flexible enough to capture lots of combinations of separators, extended and abbreviated forms, time intervals, etc.

13-16.10.2007
12/6 – 28/8/2007
09.09.2010
1-7-94
1/5.6.06
13/7 - 1°/9/2010
15\11\2010
16.10.06/4.1.07
1°/4/2011
24 .12.2008
21/8 – 1°/9/2006

24 settembre - 22 dicembre 2010
09 luglio 2008
4 gennaio 2001
16-27 marzo 1992
1° luglio 2002
26 novembre '10
12 - 14 luglio 2011

Numbers Marker

- It covers the document numbering and the file numbering of the process

- the year is often expressed in combination with the number

n. 8853
nr.   341
numero 24.733

R.G. 1346/09
n. 67/09 RG.
r. n. 69866
ruolo n. 79398 del 2007
registro generale 1847 del 2008
R.G. n.71409/09

numero 6277/2003
n. 1003 del 2008
6060/1982
12622/2010
394 del 2006
10268\2004
1031/00
10233/02 e 20/2010
161262 e 16263 del 2005
1620/84, 4631/90, 1042/98
nn.8827 e 8828/03 e n.16004/03

Reference builder

- it is responsible for deciding if the given fragment of marked-up text contains none or one or more judicial references

- In this fragment there two references: one reference to a decision with an explicit issuing auth., number and date, and one reference to a court order, not numbered, implicit issuing auth. and two dates (date of registration and date of notification).

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<BREAK>...attraverso la sentenza della <AUT>Corte di appello di Trento, sez. dist. di Bolzano</AUT> <NUM>n. 46 del 2008</NUM>, depositata il <DATE>2 marzo 2008</DATE>, corretta con ordinanza depositata in data <DATE>11 luglio 2008</DATE> e notificata il <DATE>9 ottobre 2008</DATE>.<BREAK>
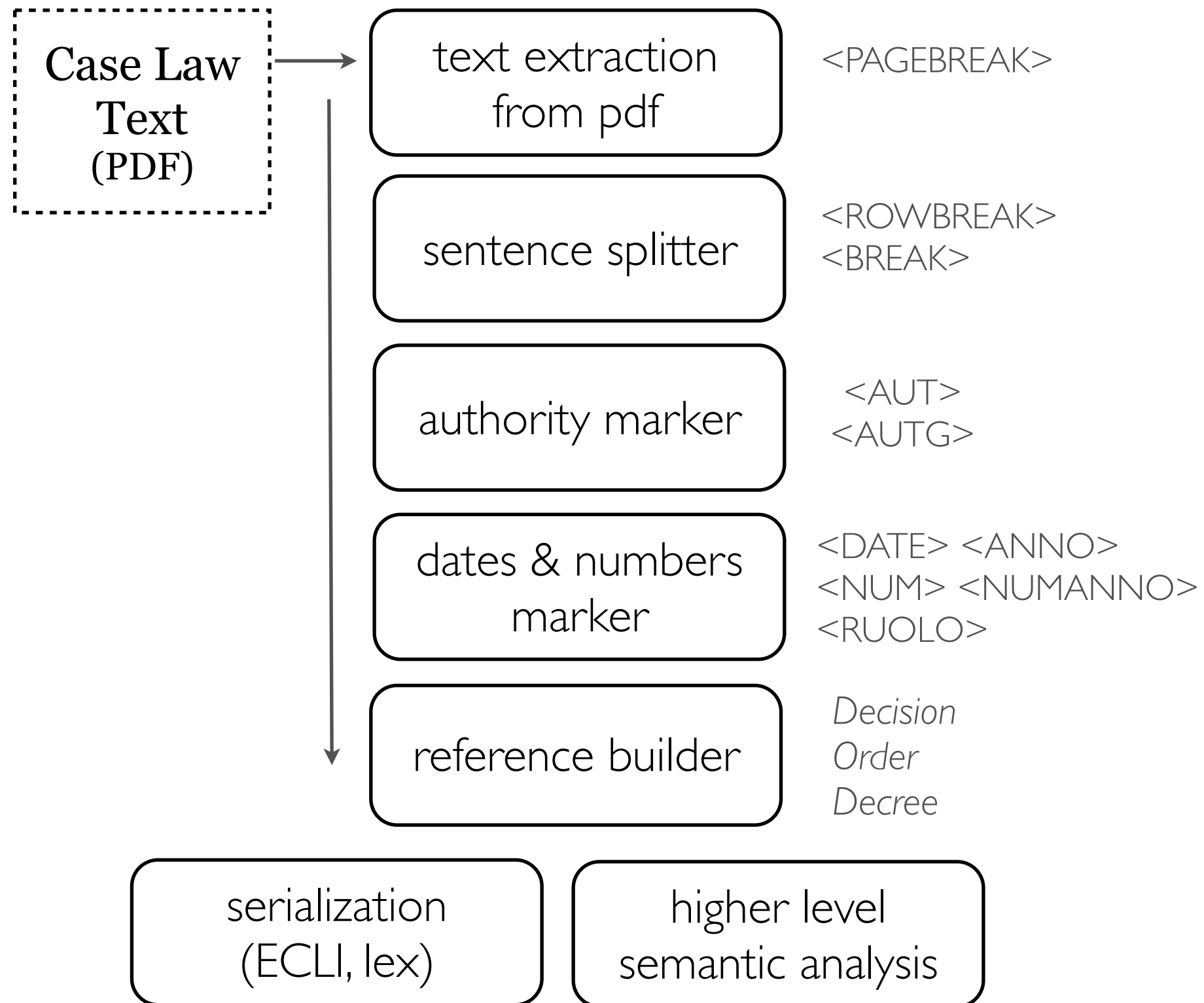
Reference builder
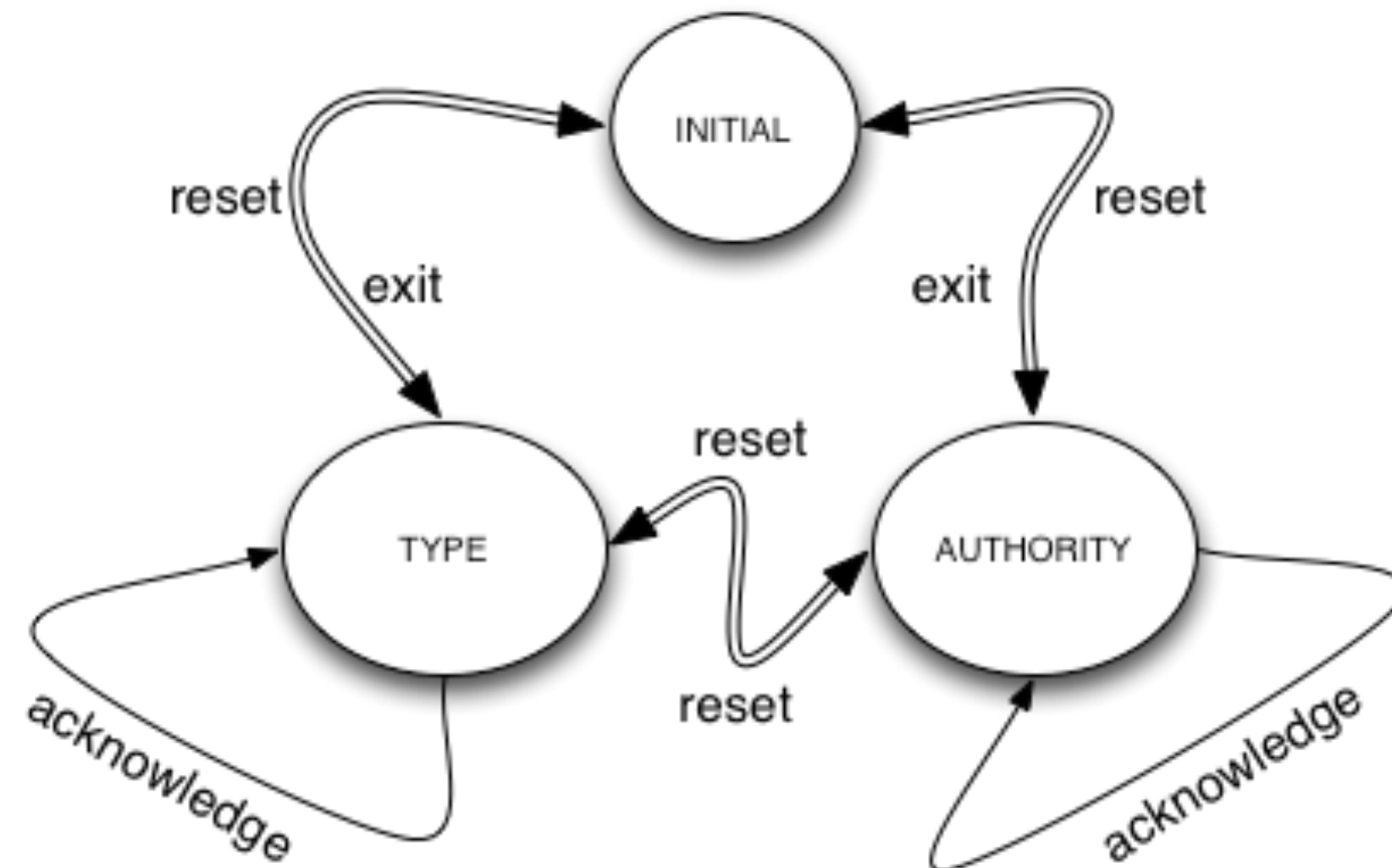
- Based on keywords, rules and start conditions (states)

- A keyword indicating a judicial type triggers the Type state

- A tag produced by the authority marker triggers the Auth state

- reset: save the previous reference and prepare for a new one

- enrich the reference with recognized symbols

- exit: back to initial state if a symbol is not recognized

- Strict extraction: the reference must be completely composed without leaving the Type or the Authority state (Loose extraction otherwise)

Field parser and serialization to ECLI

- The details of the reference are still raw data

- Date, numbers and authorities need to be normalized

  - Date: "13 dicembre '13" => "13/12/2013"

  - Number: "nr. 15489/09" => "15489"

  - Authority: "S.U." => "CASS"

- Once the fields are normalized the reference's ECLI code can be composed

- The ECLI builder is also responsible for reversing geographical information

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reference builder   *Decision* *Order* *Decree*

serialization (ECLI, lex)

higher level semantic analysis

A web application prototype:
Prudence

Act with *Prudence*

[ver. 1.05]

Password: [_____]

Normativi? ☐ Autorità emanante: [Corte Costituzionale ▲▼]

| Corte Costituzionale |
| Corte di Cassazione |
| Tribunale di Milano |

Analizza una sentenza (pdf,

(Browse...) No file selected.   (upload)

Analizza testo libero

[   ]

(send)

Prudence dictates...

A sua volta, anche l'obbligazione del medico dipendente dalla struttura sanitaria nei confronti del paziente ha natura contrattuale, ancorché non fondata su un contratto, bensì sul contatto sociale (vedi Cass. Civ., n. 589/1999).

Tipo: [sentenza]
Emanante: Cass. Civ.
Numero: n. 589/1999
ECLI: ECLI:IT:CASS:1999:S589AC [numerato, completo]

non soltanto, quindi, con riferimento alla sfera produttiva, ma anche con riferimento alla sfera spirituale, culturale, affettiva, sociale, sportiva, e a ogni altro ambito e modo in cui il soggetto svolge la sua personalità e cioè a tutte le attività realizzatrici della persona umana" (così la Corte Costituzionale n. 356/1991; v. altresì Corte Costituzionale n. 184/1986).

Tipo: [sentenza]
Emanante: Corte Costituzionale
Numero: n. 356/1991
ECLI: ECLI:IT:COST:1991:S356 [numerato, completo]

Tipo: [sentenza]
Emanante: Corte Costituzionale
Numero: n. 184/1986
ECLI: ECLI:IT:COST:1986:S184 [numerato, completo]

Prudence dictates...

G.A. chiese, con reclamo ex art. 708 c.p.c., comma 4, la revoca dell'ordinanza R.G. 1346/09 del TRIBUNALE di FROSINONE, depositata il 23/11/2009.

Tipo: ordinanza [ordinanza]
Emanante: TRIBUNALE di FROSINONE
Data: 23/11/2009
Ruolo: R.G. 1346/09
ECLI: ECLI:IT:TRIBFR:2009:O1346.09AC2311 [non numerato, completo]

Con ordinanza pubblicata il 5 maggio 2005, il Tribunale di Cosenza, adito ai sensi della L. 13 giugno 1942, n. 794, art. 28, (Onorari di avvocato e di procuratore per prestazioni giudiziali in materia civile).

Tipo: ordinanza [ordinanza]
Emanante: Tribunale di Cosenza
Data: 5 maggio 2005
ECLI: ECLI:IT:TRIBCS:2005:O.AC0505 [non numerato, non completo]

P.Q.M. Il Tribunale di Milano, sezione VIII civile, definitivamente pronunciando , così decide: a) revoca il decreto ingiuntivo n. 15239/2010 emesso dal Tribunale di Milano i 16.3.2010 nei confronti di Cassa di Risparmio di Venezia s.p.a. ;

Tipo: decreto ingiuntivo [decreto]
Emanante: Tribunale di Milano
Numero: n. 15239/2010
ECLI: ECLI:IT:TRIBMI:2010:D15239AC [numerato, completo]

Stats

- 7279 pdf decisions from the Court of Milan

- 19460 judicial citations in 13688 contexts

- 13325 decisions, 4758 decrees and 1377 orders

- First instance courts: 6856 refs to Court of Milan, 307 to other courts

- National courts: Supreme 11092, Constitutional 258, Council 258

- Regional Tribunal: 36

- Giudice di Pace: 526

- Explicitly penal references: 68

Tests

- Accuracy vs covering

- Practically every *"correct"* form is covered

- User feedbacks are satisfying so far, the software is considered reliable

- Not covered:

  - fields of the citation are separated by a subordinate clause including another judicial reference

  - a field of the citation is implicitly expressed by making a reference to a previous fragment of text *("In the same year...")*

New features - Ranges

- Multiple references on decisions issued by the Constitutional Court make use of ranges of numbers, like "4-7" meaning "from four to seven"

- or postpone the year information at the end of a list of numeric references in a very human fashion

- Those lists need to be exploded in order to capture every single reference

- Artificial fragment of text made up in order to test such complex cases:

"ed alle sentenze nn. 2009/45, 12345/99 e 98/123, 52 del 2010, 68, 69 e 72 del 2011, il 12 e dal 15 al 18 dell'anno 2012 e 31, 32, 35-38, 41/2013."

ed alle sentenze nn. 2009/45, 12345/99 e 98/123, 52 del 2010, 68, 69 e 72 del 2011, il 12 e dal 15 al 18 dell'anno 2012 e 31, 32, 35-38, 41/2013.
ECLI: ECLI:IT:COST:2009:S45
ECLI: ECLI:IT:COST:1999:S12345
ECLI: ECLI:IT:COST:1998:S123
ECLI: ECLI:IT:COST:2010:S52
ECLI: ECLI:IT:COST:2011:S68
ECLI: ECLI:IT:COST:2011:S69
ECLI: ECLI:IT:COST:2011:S72
ECLI: ECLI:IT:COST:2012:S12
ECLI: ECLI:IT:COST:2012:S15
ECLI: ECLI:IT:COST:2012:S16
ECLI: ECLI:IT:COST:2012:S17
ECLI: ECLI:IT:COST:2012:S18
ECLI: ECLI:IT:COST:2013:S31
ECLI: ECLI:IT:COST:2013:S32
ECLI: ECLI:IT:COST:2013:S35
ECLI: ECLI:IT:COST:2013:S36
ECLI: ECLI:IT:COST:2013:S37
ECLI: ECLI:IT:COST:2013:S38
ECLI: ECLI:IT:COST:2013:S41

What's Next

- Currently analysing the Costitutional Court corpus

- Collaboration with the Supreme Court in 2014

- Focus on higher courts and penal sections

- Extensive vocabulary of italian issuing authorities and codes

- Spread of ECLI and hopefully the development of drafting tools for judges

Conclusions

- A proposal for the implementation of ECLI in the italian judicial system

- collaboration with the civil section of the Court of Milan

- qualitative and quantitative analysis of italian judicial citations

- a rule based software able to automatically extract citations and a web application that implements it

Thank you!

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