Exxon Valdez Litigation Records

Project Task Force

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About the Project

Background & history
EVOS followed by 5 years of lawsuits between State of Alaska, U.S. government, and Exxon and Alyeska Corporations

State and Federal cases combined as a Federal case presided over by Judge J. Russell Holland and a State case presided over by Judge Brian Shortell

AK Dept. of Law Environmental Litigation Section tried the case on behalf of the State. State of Alaska accumulated as many as 8 million pages of documentation!

Storing and managing files has been a continuing significant cost to the People and State of Alaska.

Portions were spread among locations in Anchorage and Juneau. Making decisions about the materials was a full time job; only one of many for the State Archives.
Alaska State Archives houses 3,528 boxes of litigation records.

National Historical Publications and Records Commission (National Archives grant agency) provided funds to address these materials and to hire a project archivist. State Archives provided one of its permanent staff to act as project director.

2-year project from October 1, 2011 – September 30, 2013 to assess what to keep what not to.

Project staff will sort through, dispose and organize records in Juneau, then move to those located in Anchorage. Permanent records will be organized and added to State Archives catalog, and publicized via an online bibliographic catalog.
Step 1

Hiring a project archivist and compiling an oversight task force
Oversight Task Force

- 7-member task force
- Meets 4 times at 6-month intervals
- Reviews and comment on project activities
- Advise project staff on issues historians don’t usually deal with:
  - Legalities and restrictions
  - Science and technology
  - Community and regional affairs
  - Informing/involving the public
Oversight Task Force

Patience Anderson Faulkner
Member, Eyak Tribal Council
PWS-RCAC
Cordova District Fishermen United

Kurt Frederickson
Former Commissioner, ADEC

Andrew Goldstein
Curator of Exhibitions & Collections
Valdez Museum & Historical Archive

Barbara Hendrickson
Lead State Paralegal,
EVOS Litigation

Carrie Holba
Librarian
EVOSTC Alaska Resources & Information Services

Jennifer Schorr
Assistant Attorney General
AK Dept. of Law,
Environmental Section

Craig Tillery
Lead State of Alaska Attorney,
EVOS Litigation
Project Staff

Larry Hibpshmann
*Project Director*

Wendy Sparkman
*Project Archivist*
Step 2

Appraisal—determining which boxes to keep and which to dispose
Assessment Process

- Identify materials to decide what can be disposed.
- Analyze various file types, apply archival and records management theory and discuss exceptions and State Archives retention procedures.
- Query Task Force about issues and conditions influencing relative value of particular files and documents.
- Involve Alaskans, especially those who live in areas directly affected by the spill.
Criteria for Disposition

- Is the material duplicate?

- Is there a longer-lasting/more stable copy available (e.g., microfilm)?

- Is the material restricted indefinitely or will the public be able to access it?

- Retain if there a possibility that the material will be needed by the lawyers.
Process

- Boxes divided into groups by type
- Categories marked for disposal as appropriate
Grant goal: Retain 15% of EVOS material

At 24%, we not only are close, but 516 boxes of the 844 are the original state agency material: technically not litigation papers, but important to retain.
Determine what was in the retained boxes and creating a digital record for the contents of each
What types of material are in the boxes?

Field Notebooks
*Hands-on records of spill survey and remediation*

Folders filled with papers

Audio and Video
*Micro Cassette Tapes*

Microfilm Reels

Evidence Envelopes
*VHS Tapes*
How are the records being reorganized?

Organizing principles are:

◦ *Provenance*: Records arranged to reflect their organization of origin

◦ *Original Order*: Records should retain original organizational structure

Providing minimum necessary space, consolidating related files together and eliminating unneeded ones.

Doing this assures content and context aren’t lost and prompt retrieval possible.
Will all records be available to the public? If all records will not be available, why?

- Most but not all will be available. Some are protected from disclosure by attorney-client privilege and attorney work product sanctions, or were sealed by court protective order. The State Archives must respect these serious legal requirements.

- Only about 2% of all files are restricted, and state litigation discovery staff removed and placed these files in sealed envelopes.

- Meanwhile, one of the Task Force’s jobs is to suggest long term policies that eventually allow the State Archives to open restricted records to public review.
Why haven’t the records been available to the public for the last 18 years?

- They have been available to a somewhat limited extent.

- However, State records law requires public access to public resources if they aren’t restricted by law or judicial protection.

- Until records become noncurrent they are kept in semi–current storage under control of the creating agency. Until then the Department of Law must approve access requests.

- Once the records become noncurrent the State Archives reference staff will provide routine access.
What’s left to do?
What’s Left:

- Physical care: reboxing & refiling
- Addressing issues of restriction
- Records still in Dept. of Law custody
- Publicity
- Library Catalog Entry