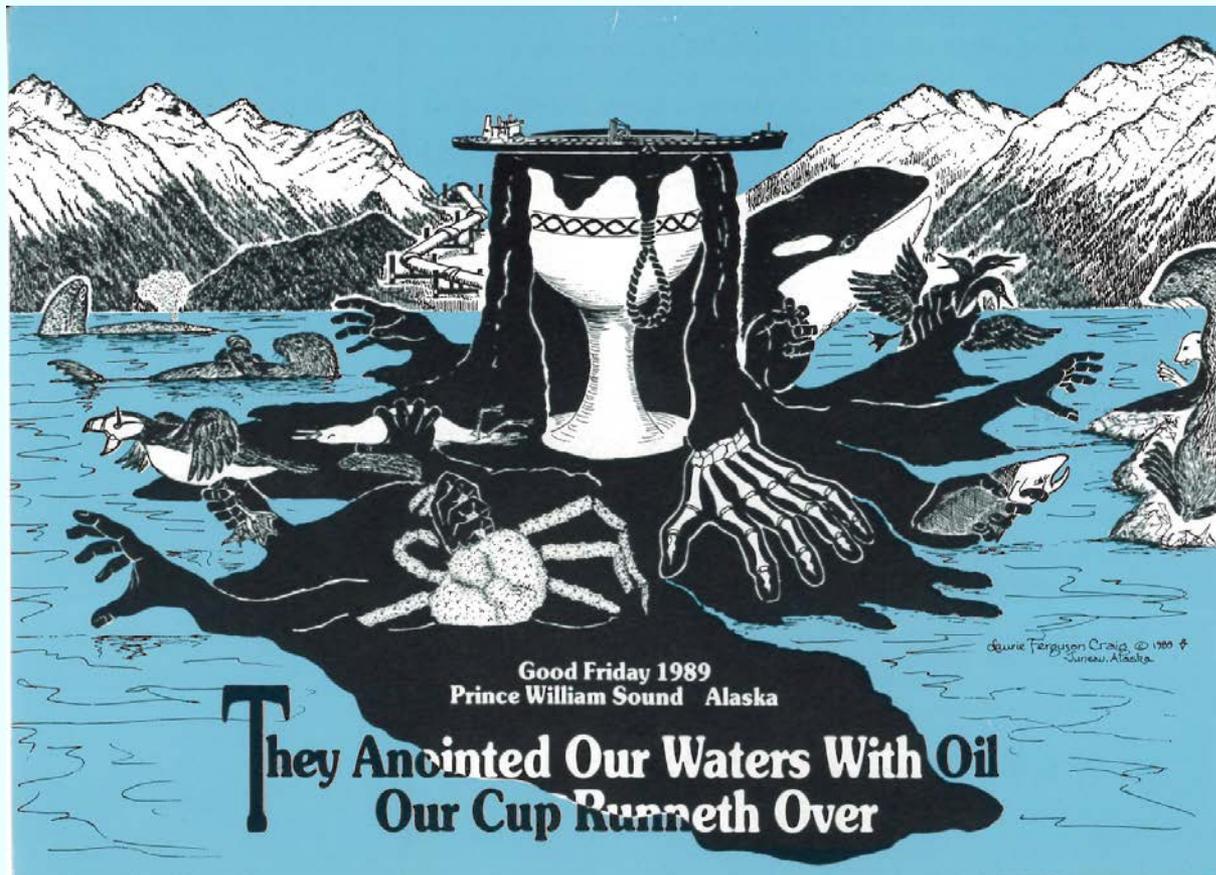


# APPRAISING EXXON VALDEZ LITIGATION RECORDS

## *Getting Beyond A Disaster ~ & Documenting It*



Courtesy, Anchorage *Daily News*, AK Conservation Foundation & Artist Laurie Ferguson Craig



Except as noted, all images are from AK State Archives RG 1 *Office of the Governor*; series 801 *Exxon Valdez oil spill records*

Courtesy Cordova Historical Museum





Top left & mid-center: Courtesy Valdez Museum & Historical Archives  
Top center & bottom right: Betsy Myrick & Matt Jamin, courtesy Kodiak Maritime Museum  
Top right: Mike Webber & Exxon Shame Pole, Cordova, courtesy Mike Webber & Valdez Museum & Historical Archives  
Mid-right & bottom center: AK State Archives RG 1 Office of the Governor ;series 801 Exxon Valdez oil spill records



Anchorage Daily Times

**ALASKA LAW REQUIRES THE REPORTING OF ALL OIL AND HAZARDOUS SUBSTANCES SPILLS**

**CALL THE NEAREST DEPT. OF ENVIRONMENTAL CONSERVATION OFFICE:**

Double Day 658-2211	KERLEKAN - 223-6100
VALDEZ - 835-4698	ANCHORAGE - 543-6775
KODIAK - 486-3350	SIKOTILEK - 443-2600
DUTCH HARBOR - 581-1681	KENAI - 262-5210
CORDOVA - 424-3585	WASILLA - 376-5038
PRINCE OF WALES - 452-1714	SITKA - 747-2614
	TOK - 283-4581

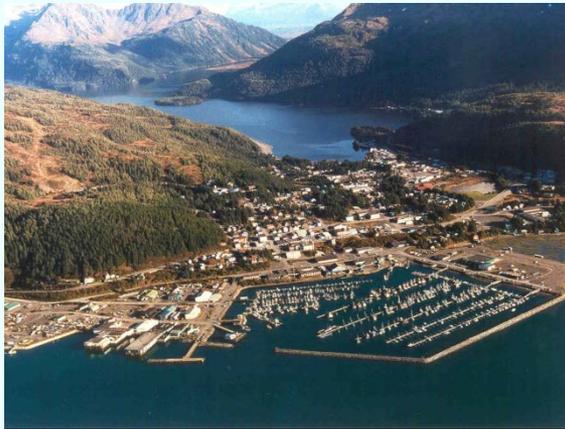
OR IF UNABLE TO CONTACT AN OFFICE, CALL THE OPERATOR, ASK FOR 800-478-9300

**ALASKA DEPT. OF ENVIRONMENTAL CONSERVATION**

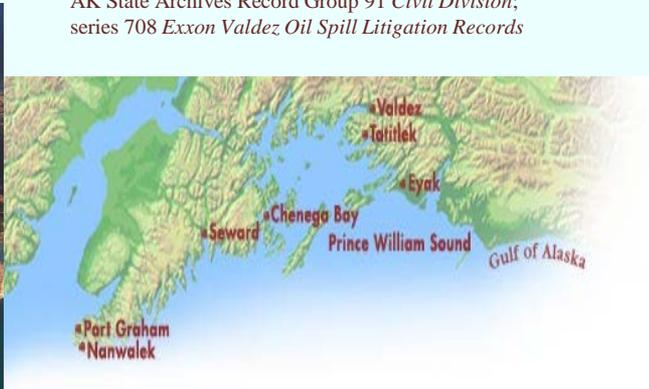
QUALITY SERVICES  
Date: MAY 5 1990  
Anchorage Daily News  
Client No.

POSSIBLE SPILL-CAUSED MUTATION THAT REALLY WORRIES INDUSTRY

Anchorage Daily News



Courtesy Cordova Historical Museum



AK State Archives Record Group 91 Civil Division; series 708 Exxon Valdez Oil Spill Litigation Records



Courtesy Valdez Museum & Historical Archives



RG 1 Office of the Governor; series 801 Exxon Valdez oil spill records



Governor Cowper & Coast Guard Admiral Yost, informal meeting, Valdez, July 89. RG 348 Press Secretary; SR 612 Public Information Records; Exxon Valdez Slides

QUALITY SERVICES  
Date: MAY 10 1989  
Fairbanks  
Daily News Miner  
Client No. 258

"ENVIRONMENTAL LIMIT FACTOR" *in Valdez*

Courtesy, Fairbanks Daily News-Miner, & Artist Jamie Smith

# So Why Is All This Important? So Those Who Follow Us

## Will Know



State Archives Field Trip Juneau Photographer Damon Stuebner



Jordan Sullivan, Age 3, Uganik Bay, Kodiak Island, 1989; Suzanne Abraham photographer; Courtesy Toby Sullivan & Kodiak Maritime Museum



Field Trip to Kenai Old Town

Courtesy Jae Burke



School tour to Alaska Sea Life Center, Seward  
Courtesy Jae Burke

**How will our descendants know what happened?  
How will they understand the event?  
And how will they be sure that they've got the  
details right?**

# EXXON VALDEZ AFFECTED THE WORLD:

Worldwide Industry Worldwide Technology  
Worldwide Commerce Worldwide Resources

Worldwide Outlook

**Crises Find Our Heads in the Sand**  
In a Modern World, Our Responses Are Way Out of Date

Los Angeles Times May 7, 1989

QUALITY SERVICES  
Date JUL 28 1990  
Anchorage Daily News  
Client No.



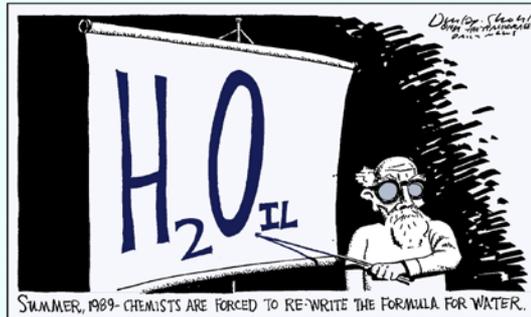
MID-EAST TENSION HITS A NEW HIGH

Anchorage Daily News

QUALITY SERVICES  
Date MAY 6 1989  
Anchorage Times  
Client No. 200



Chicago Tribune



Anchorage Daily News



Anchorage Daily News



**The State Archives 2 basic obligations:**

**Support efficient, economical government processes**

**&**

**Provide relevant Information to Alaska's People**

**But it isn't enough to have records  
available**

***People need to know they're there.***

***And they need to know they can  
Rely on them to understand the truth***



Joanie Walter & Frank Deal Unganic Bay, Kodiak Island.  
Suzanne Abraham & Kodiak Maritime Museum



Courtesy Cordova Historical Museum



'Am I Doomed? Ivanoff' & Kodiak Maritime Museum



Courtesy Cordova Historical Museum



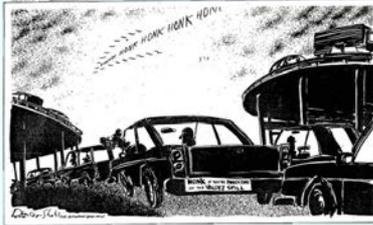
Courtesy Cordova Historical Museum

Except as noted, all images are from AK State Archives RG 1 *Office of the Governor*; series 801 *Exxon Valdez oil spill records*



QUALITY SERVICES  
 Date MAY 7 1989  
 Anchorage Daily News  
 Client No. 300

QUALITY SERVICES  
 Date APR 22 1990  
 Anchorage Daily News  
 Client No. 300

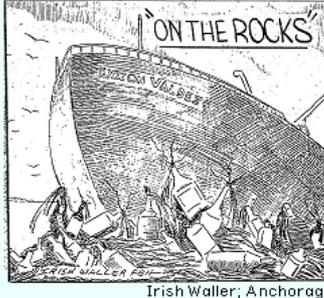


QUALITY SERVICES  
 Date APR 22 1990  
 Anchorage Daily News  
 Client No. 300

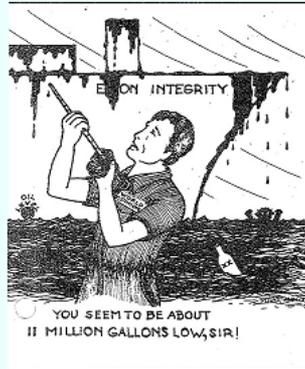
# Exxon's oil spill disaster inspires readers to draw



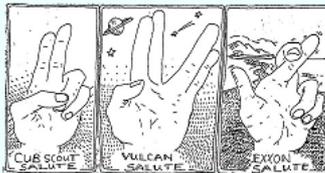
Michael Hootch, Palmer



Irish Waller, Anchorage



Sylvia Altman, Seattle



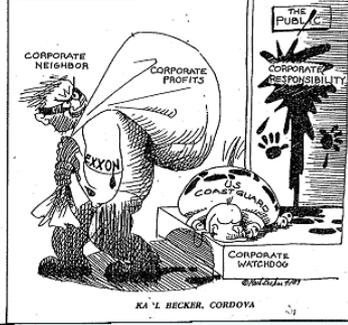
John Edward Clarke, Anchorage



ELIZABETH ENKE, ANCHORAGE



PAT D'URSO, DAN URBAN, DUTCH HARBOR



KA'L HECKER, CORDOVA

All drawings Anchorage Daily News



Courtesy Cordova Historical Museum

# **The Four Primary Litigants:**

**State of Alaska**

**Federal Government**

**Exxon Corporation**

**Alyeska Pipeline Services**



**Litigation also included separate but subsidiary companies, partnerships & contractors**

**Exxon Pipeline**

**Exxon Shipping**

**t/v *Exxon Valdez***

**Amerada Hess**

**ARCO Pipeline**

**BP Pipeline**

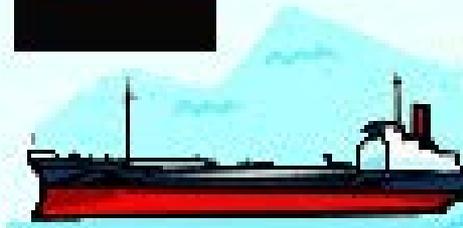
**Mobil AK Pipeline**

**Phillips AK Pipeline**

**Unocal Pipeline**

**Sperry Marine Services**

**Unisys Systems**



# State and Federal Governments were both plaintiffs in some but defendants in other contexts

**Every Agency of State Government was  
involved, although the following were most  
heavily involved:**

Department of Environmental Conservation



Department of Fish & Game

Department of Natural Resources



Office of the Governor



Departmental seals courtesy of respective departments

# **A (probably less than perfectly accurate) Account of Class Action & Other Plaintiffs, Defendants & Others:**

<b>Petroleum Industry:</b>	<b>6</b>	<b>TOTAL:</b> <b>106</b>
<b>Fishery Producers &amp; Packers:</b>	<b>19</b>	
<b>Fishermens Organizations:</b>	<b>6</b>	
<b>Fishing Vessels:</b>	<b>3</b>	
<b>Maritime Business:</b>	<b>5</b>	
<b>Public &amp; Interest Affairs Organizations:</b>	<b>13</b>	
<b>Tourism, Travel &amp; Unidentified :</b>	<b>19</b>	
<b>Local Governments &amp; Native Organizations:</b>	<b>35</b>	

## **And Individuals?**

By one count at least **4,000** class action plaintiffs were involved in litigation

By another count, there were at least **40,000** *potential* class action plaintiffs

**And There Were Numerous Criminal Defendants**

# **THE TWO BIG OMNIBUS CASES:**

**Cases filed in State 3rd Judicial District Court were consolidated in 3AN-89-2533 Civil, *EXXON VALDEZ OIL SPILL LITIGATION*.**



**Judge Brian C. Shortell presided**

**Cases filed in US District Court for the District of Alaska were consolidated in A89-095 Civil, *In Re: the EXXON VALDEZ*,**

**Judge H. Russell Holland, presided.**



# Exxon Litigation Involved Thousands of People Again, here are my (*probably less than exact*) counts:

**217** lawyers  
**32** law firms

**In:**

**6** Alaskan cities

**25** other cities

**13** States

**District of Columbia**



## All or Them Generated Documents & Records





# Preston Thorgrimson's Discovery Team



Discovery Attorney Martha Dawson  
Courtesy Kay Rawlings



Lead Paralegal Barbara Hendricksen  
Courtesy Barbara Hendricksen



Documents Librarian Kay Rawlings  
Courtesy Kay Rawlings



Paralegal Debbie Hennigh  
Courtesy Debbie Hennigh

## **Others Included:**

**Paralegals:**

**Barbara Price**

**Dana Gran**



Courtesy Chris Hieb

# Discovery & the Sheer Volume of Records

## All of these People, Organizations & Institutions Created Millions of Documents



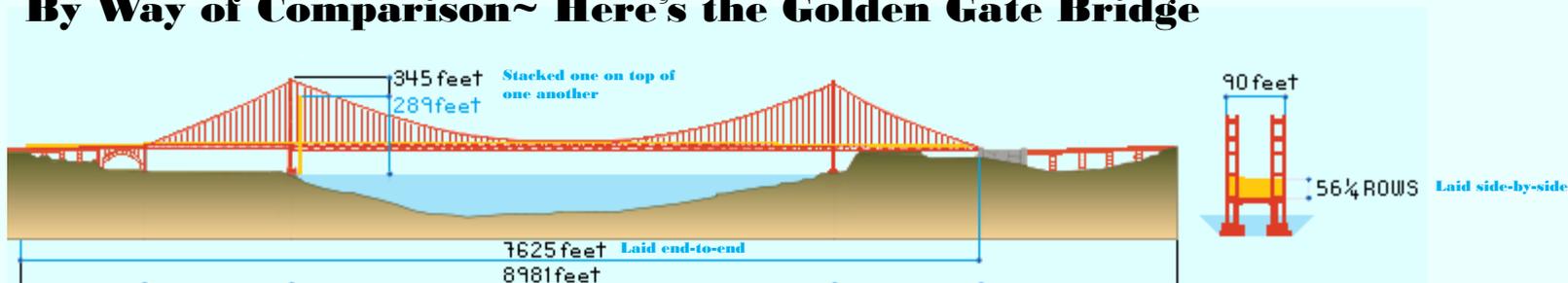
Photographer Chris Hieb

### How Much Was There?

The Alaska Department of Law alone generated about **6,100 cubic foot boxes of trial records.**

# About 18,300,000 pages

### By Way of Comparison~ Here's the Golden Gate Bridge



Based on Wikipedia

# What Happened to Records After Original Case Was Settled?

When the Discovery Team ended work in 1993

They divided & transferred the records to a number of different entities:

- To the Alaska State Archives for 'historical' purposes:  
3,500 cubic feet X @ 3,000 pages per foot = @ **10,500,000** pages
- To the Department of Law for ongoing litigation support:  
2,600 cubic feet X 3,000 pages:  
@ **7,800,000** pages

**Total: 18,300,000** pages



**This doesn't include Millions of pages of:**

- **Alaska State Agency response & remediation records**
- **Federal Government records**
- **Oil Spill Trustee Council records**
- **Perhaps Individual Organizations & Individuals**
- **Exxon Mobil's official archives is**

**ExxonMobil Historical Collection (EMHC)**  
**Dolph Briscoe Center for American History**  
**American Energy History Collections**  
**University of Texas at Austin**



<http://www.lib.utexas.edu/taro/utcah/00352/cah-00352.html>

# Why now? & Why Only Litigation records?

As time passes, State records laws & records scheduling policy come into play



**DEPARTMENT OF EDUCATION**  
 Division of Libraries, Archives & Museums  
 Archives and Records Management Services  
 141 Willoughby Avenue  
 Juneau, AK 99801-1720  
 465-2276 Voice  
 465-2465 Fax

STATE OF ALASKA

**RECORDS RETENTION SCHEDULE**

Schedule Number: 030305  
 Agency Id: 82  
 Page 1 of 10

Department of Law  
 Civil Division

A - Audit  
 CY - Current Year  
 P - Permanent

AR - Archivist's Review  
 M - Alter Microfilming  
 T - Terminated, obsolete, superceded

Numerals - Years in addition to current year  
 TO - Term of office

RECORDS RETENTION SCHEDULE CONTINUATION				Schedule Number 030305			Page 2
Item No.	Record Series Title & Description	Retention		Disposition			Agency Id 82 Remarks
		Office	Records Center	State Archives	Destroy	Vital Record	
01	<p><b>General Litigation Case Files:</b>                      This series documents the agency's work on civil court actions and adversarial proceedings before administrative bodies. Arranged by case number.</p>	4	11		15		<p><b>CASE TYPE 22:</b> Includes court pleadings, case research materials, briefs, correspondence, and final orders and decisions. Significant cases that have permanent historical value selected by the Attorney General (AG) will be transferred to the Alaska State Archives. See Item 02. Records relating to conservatorship, guardianship and civil commitment are confidential per AS 13.26.013 and AS 47.30.845.</p>
02	<p><b>General Litigation Case Files of Historical Importance:</b>                      This series consists of selected case files from Item 01 determined by the AG to have permanent historical value.</p>	4	11	P			<p>For a description of case type, see Item 01. Records relating to conservatorship, guardianship and civil commitment are confidential per AS 13.26.013 and AS 47.30.845.</p>

**Exxon cases were settled in 1991.**

**The Discovery Team Terminated operations in 1993**

**Prior to 2009 the records were ineligible for final disposition**

**(& The National Archives Called for grant applications In 2010)**

# ***And the First Step Was Appraisal:***

**Appraised the records ~ about complete in Juneau:**

**Which boxes to keep? ~ Which to dispose?**

**It's A Balancing Act**

**Volume (How Much is There?)**

**Core Function (What purpose did the records serve?)**

**Completeness (Is anything missing? Does it compromise information content?)**

**Uniqueness (Are there duplicate copies or sets? Other better records that tell the same story?)**



Drawing courtesy of the artist

**Accessibility (Are they indexed? Is there a file guide? Are there restrictions on use? How long will restrictions remain in place?)**

**Conservation issues (Will we have the resources to care for & preserve this material?)**

**No single factor is overriding. Some elements have more weight than others.**

**But the trick is in balancing all of the elements together.**

**So:**

**What Did We Save, What Did We Dispose?**

**& Why?**

**Our Original Estimate Was About 10-15%**

**But we actually saved 822 boxes ~24%**

**Why?**

**Types We Saved~**

- **Court Filings**
- **Witness depositions**
- **Witness exhibits**
- **Microfilmed production**
- **Exxon's clippings file**
- **Marine Radio Broadcasts**
- **Some 3<sup>rd</sup> Party & Private Plaintiff Documentation**
- **And Especially~**

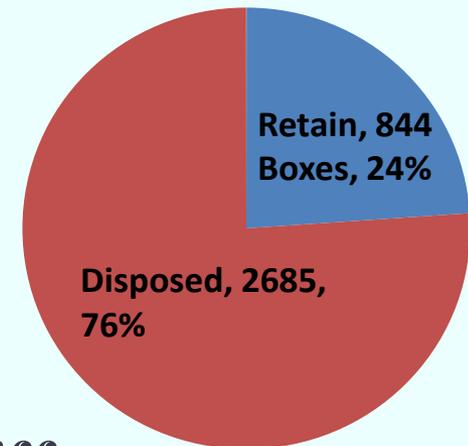


Image courtesy of Sara Bornstein

# 516 Boxes

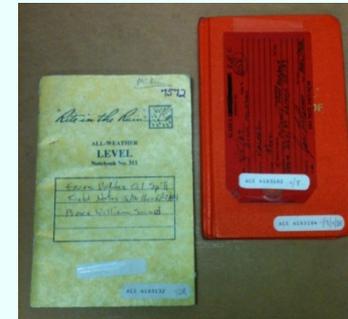
## Original State Agency Files

### What types of material?

**Hands-on records generated during response & remediation by agencies in the Spill Area ~ Valdez; Cordova; Kodiak ~**



Folders filled with papers



Field Notebooks records of spill survey and remediation



Audio and Video Micro Cassette Tapes



Microfilm Reels



Evidence Envelopes VHS Tapes

Images provided by Sara Bornstein

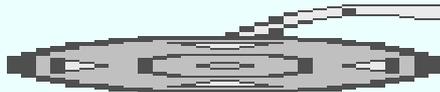
# **What We Marked for Eventual Disposal: Why?**



**Plaintiff Production ~**

**Defendant Production ~ A difficult call:  
Exxon Corp., Ship, Pipe & Alyeska Defendant Discovery  
1,455 boxes = @ 4,365,000 pages**

**Microfilm Blowbacks  
Inferior 2<sup>nd</sup> copies**



# **What Remains to Be done?**

## **Problems with restrictions:**

**Attorney client privilege      Attorney work product**

**Judicial order**

**Legal restrictions**

**We turned these questions over for advice to a committee led by Craig Tillery & Jennifer Schorr.**



Craig Tillery  
Alaska Department of Law



Patience Andersen Faulkner  
*Eyak Tribal Council*



Kurt Fredriksson  
Alaska Department of  
Environmental Conservation



Jennifer Schorr  
Alaska Department of Law

**In all cases we refer patrons to the  
Department of Law Environmental Section  
as the 1<sup>st</sup> step in access**

# Ongoing Collection Management

## Weeding ~ Appraisal Continues

### Why Re-evaluate?

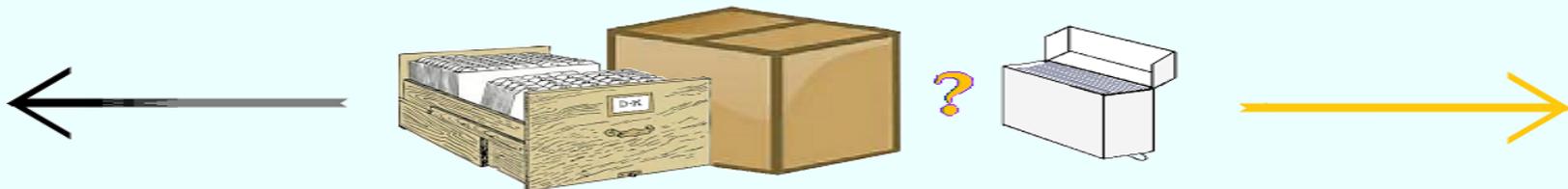
- **Like any activity re-evaluating past practice is a quality control measure.**
- **Collection Policy ~ Outside the scope of what you collect**
- **Consolidation ~ i.e. Storage Space**
  - **You must cut space**
  - **You can create needed space**
- **Revaluation ~ You're just not sure content justifies retention ~ why was it accepted in the 1<sup>st</sup> place?**
- **Reference Value ~ Value for things it reveals or just a novelty?**
- **Level of Use**



# Ongoing Collection Management

## What to Think About~

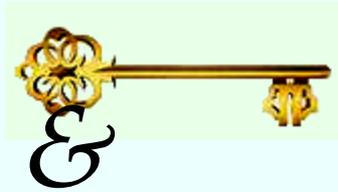
- **Poor Judgement** ~ on the original appraiser's part?
- **Insurmountable restrictions on use**
- **Duplication**
  - **In-house**~ Do other collections contain copies or similar content?
  - **Out-of-House** ~ Does another depository have more complete, more detailed records?
- **Preservation problems** ~ Is there material that just can't be saved?
- **Obsolescence** ~ of nontextual records
- **Alternative medium or format?**
- **Cost?**
- **It's good to consider why this series hasn't been used & think about steps to change that.**



**So:**

**What Advice Can I Offer Someone Embarking on  
An Appraisal Project?**

**Remember~  
Function**



**Balance**



- **If You're Working on Institutional Records:**
- **Pay Attention To Statutes & Regulations**
- **Work Closely With Staff Who Created the Records**
- **Don't Rush**
- **Select Portions If You Can**

**A Couple Other Highly Recommended Ideas~  
If Appropriate to Your Situation**

**If you don't have a collection policy you should  
create one**

**Consider Creating A Records Scheduling System  
for Your Institution**

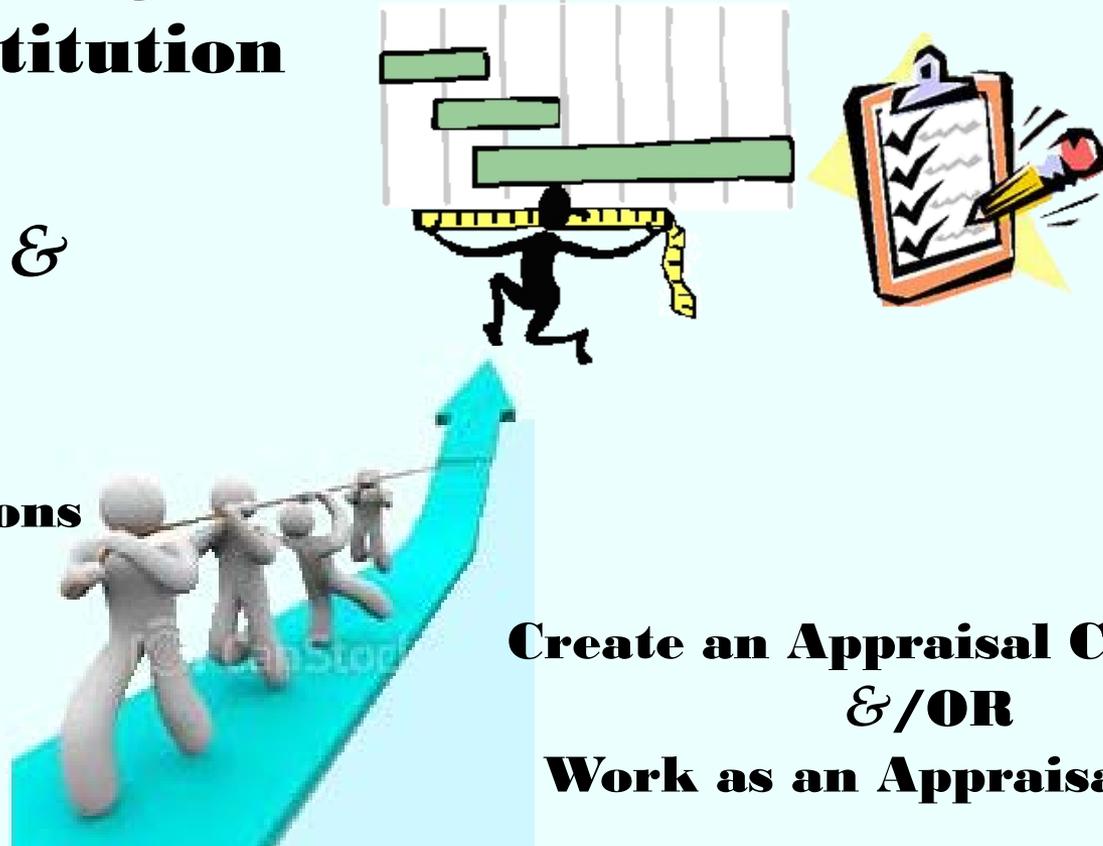
**&**

**Team Up**

**Cooperate with**

**Collateral Institutions**

**&/OR**



**Create an Appraisal Committee  
&/OR**

**Work as an Appraisal Team**

# FUNCTIONAL CATEGORIES OF RECORDS GROUPED BY RELATIVE IMPORTANCE

## **USUALLY VALUABLE**

Academic record cards

Acts, legislative

Addresses

Albums

Autobiographies

Briefs

Broadsides

Brochures

Budgets

Bulletins

By-laws

Cadasters

Catalogs

Census rolls

Constitutions

Credences\* Gives a claim to belief or confidence.

Diaries

Digests

Directions

Directives

Directories

Guides

Handbooks

Histories

Indexes

Interviews

Journals

Laws

Legal opinions

Logs

Manuals:

Memoirs

Memorials

Messages, official

Militia lists

Minutes

Newsletters

**ETC.**

## **OFTEN VALUABLE**

Abstracts

Agendas Pardons

Agreements

Awards

Books

Cables

Certificates

Contracts

Correspondence

Course outlines

Photographs

Dispatches

Diagrams

Disk recordings

Documents

Drawings

Field notes

Film strips

Financial statements

Issuances

Journals

Kinescopes

Ledgers

Letterbooks

Letters, personal

Lists

Maps

Memoranda

Monographs

Motion pictures

Music

Negatives

Order books

Tape recordings

## **OFTEN WITHOUT VALUE"**

Collections

Account books

Accounting statements

Announcements Applications

Appointments

Authorizations of actions posted to permanent

Ballots

Bills, financial

Cash books

Claims

Classbooks

Daybooks.

Invoices

Orders Plans

Leases Poems

Licenses Posters

Manuscripts Publications

Mortgages Recommendations

Notes: Registers

Orders

Personnel

Purchase orders Vouchers

Property inventories

Reading files

Receipts

Releases

Requests

Requisitions

deductions,  
authorizations

Bank statements

Charts

Budget work papersCirculars

Sales literature

Payroll summary cards Checks, cancelledSlips

Petitions Shorthand notes

Speeches: manuscript

published version

Tickets

Tickler files

Time books and records

research Trial balances

Payroll

Work orders

Work papers

Outlines

Worksheets

Specifications, building

Subject files

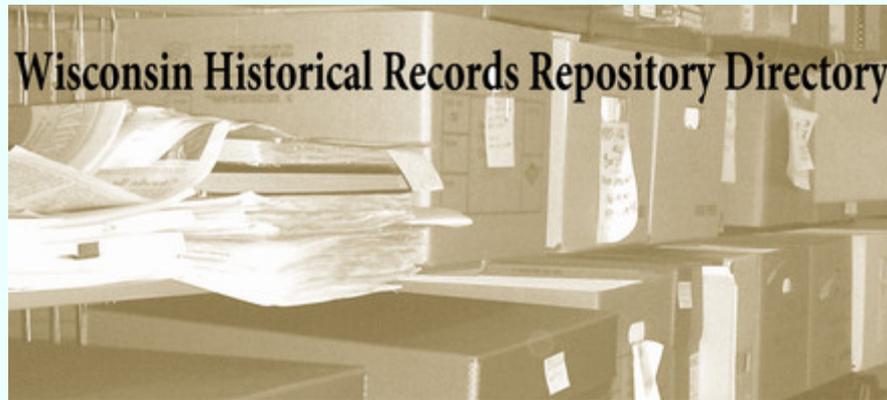
# BIBLIOGRAPHY

## Good Basic Texts:

Frank Boles. *Selecting & Appraising Archives & Manuscripts*. Archives Fundamentals Series. Chicago: Society of American Archivists, 2005.

Maynard Brichford. *Archives & Manuscripts: Appraisal & Accessioning*. Society of American Archivists Basic Manual Series. Chicago: Society of American Archivists, 1977.

**On the Web:** <http://wisrecordsgroup.wetpaint.com/page/Appraisal+of+Historical+Records>



Appraisal of Historical Records

## Appraisal defined:

n. ~ 1. The process of identifying materials offered to an archives that have sufficient value to be accessioned. – 2. The process of determining the length of time records should be retained, based on legal requirements and on their current and potential usefulness. – 3. The process of determining the market value of an item; monetary appraisal.

# Questions?

## Contacts:

Larry Hibpshman, Project Director

907-465-2241

[Larry.hibpshman@alaska.gov](mailto:Larry.hibpshman@alaska.gov)



Alaska State Archives

POB 110525

Juneau, AK 99811-0525

907-465-2270(v); 2465(f)

<http://archives.alaska.gov/>

Wendy Sparkman, Project Archivist

907-465-1310

[Wendy.sparkman@alaska.gov](mailto:Wendy.sparkman@alaska.gov)



## Project Webpage

[Link to Exxon Valdez Oil Spill Litigation Records Appraisal and Processing Project webpage](http://www.archives.state.ak.us/valdezProject.html) (<http://www.archives.state.ak.us/valdezProject.html>)

On the webpage you'll find:

- About the Project
- Oversight Task Force
- FAQs
- Links