



Office of the Chief
Records Officer for the
U.S. Government

Sent Via Email. No Hard Copy to Follow.

October 26, 2021

Mr. Omar Herran
Administrative Office of the United States Courts (AOUSC)
One Columbus Circle NW
Room G-189/OIS
Washington DC 20544

Dear Mr. Herran,

The National Archives and Records Administration (NARA) has become aware of a potential unauthorized disposition of a 1993 West Virginia USDC civil case (*Taylor v. Brown*, case no. 93-0093-E) in 2011.

The case code for *Taylor v. Brown* was 893, which designated the case as permanent according to the records retention schedule (attached). This case was never placed on a “pull” list that AOUSC sent to the FRC that was used to pull permanent case files from the boxes that were identified for destruction (attached). Additionally, the accession (transfer) that held this case file was identified on a list of transfers that were permanent, but was authorized for destruction (attached).

In accordance with 36 CFR Part 1230.14, AOUSC must respond to this letter with a report documenting the unauthorized disposition of this case file. At a minimum, this report must include a complete description of the records with volume and dates if known; description of the office maintaining the records; a statement of the exact circumstances surrounding the removal, defacing, alteration, or destruction of records; a statement of the safeguards established to prevent further loss of documentation; and details of the actions taken to salvage, retrieve, or reconstruct the records. Additionally, AOUSC must review the information that was provided to NARA to identify any additional case files

Please provide your report within 30 days of the date of this letter. I appreciate your attention to this important matter. If you have any questions or wish to discuss further, please contact me at laurence.brewer@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence v. Brewer". The signature is written in a cursive style with a large initial 'L' and a distinct 'v.' before the last name.

LAURENCE BREWER
Chief Records Officer
for the U.S. Government

Enclosures



Office of the Chief
Records Officer for the
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January 27, 2022

Mr. Omar Herran
Agency Records Officer
Administrative Office of the United States Courts (AOUSC)
One Columbus Circle NW
Room G-189/OIS
Washington DC 20544

Dear Mr. Herran,

The National Archives and Records Administration (NARA) has received your response to our letter requesting information regarding the potential unauthorized disposition of the 1993 West Virginia Northern District civil case (*Taylor v Brown*, Case No. 93-0093E).

We understand that when Case No. 93-0093E was opened in 1993 and closed in 1995, it was initially designated as temporary under the records disposition schedule in effect at that time (N1-021-86-1, Part 2, Item 7b(1)-7b(3)). In November 2010, when the new schedule (N1-021-10-2) became effective, this particular case would have been rescheduled as permanent. In 2010, it was determined “as a more viable alternative to a manual review by NARA appraisal archivists and judiciary personnel” that old legacy data derived from reporting paper forms would be used to identify cases that needed to be pulled for permanent retention. Unfortunately, Case No. 93-0093E was not identified for permanent preservation and is presumed to have been destroyed.

While acknowledging that this review process was considered the most efficient and effective given the immense volume of records, there was the inherent risk that some records would not be properly identified and preserved. If additional case files are determined to have not been identified and pulled in 2010, we advise you to follow the unauthorized disposition process to appropriately document the loss of those records.

I appreciate your attention to this important matter. If you have any questions or wish to discuss further, please contact me at laurence.brewer@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence N. Brewer". The signature is written in a cursive style with a large initial 'L' and a distinct 'N'.

LAURENCE BREWER
Chief Records Officer
for the U.S. Government