

Opening Remarks

Presentation of Emmett J. Leahy Award to Jason R. Baron, Esq.

Charles Dollar, Chair, Emmett Leahy Award Committee

September 15, 2011

Good morning. I am Charles Dollar, Chair of the Emmett Leahy Award Committee, and it is my pleasure to welcome you to the presentation of the Emmett J. Leahy Award to Jason R. Baron of the National Archives and Records Administration for Outstanding Contributions to the Records and Information Profession.

For those of you who may not recognize the name Emmett "Ed" Leahy and may be wondering, "Who is this guy and why is there an award bearing his name?" I want to take a few minutes to share with you a brief biographical sketch of Ed Leahy and a history of the Emmett J. Leahy Award.

Born on December 24, 1910 in Washington, DC, Ed Leahy grew up about 20 blocks north of where we are meeting today. In his third year in high school he was admitted to the Brothers of the Christian Schools on a probationary basis. Under the auspices of the Order he attended Catholic University for two years and then transferred to La Salle University in Philadelphia where he graduated in 1933. He moved to Pittsburgh, Pennsylvania where he taught history at Boy's Central High School and also enrolled in the graduate history program of the University of Pittsburgh. He was on track to join the Brothers of the Christian Schools when he met Betty McGinnis in 1933 and they began dating.

In August 1934 Leahy decided to return to Washington and seek a position in the Federal Government so he and Betty could marry. His first position was as a temporary clerk examiner at the Federal Trade Commission. Each day he could see the new National Archives Building under construction and decided to apply for a job. He was interviewed by Dorsey Hyde, Director of Archival Services, at the Department of Justice Building next door and must have made a very favorable impression because he was the only individual in the first round of staff recruitment of archivists who did not have some experience in archives, a Ph.D. in history or was not completing a Ph.D. program. In fact, Ed Leahy had not completed the M.A. degree in history at the University of Pittsburgh.

Ed Leahy's first day on the job was July 22, 1935 and he was assigned to work as a "Special Examiner" of records of the Treasury Department. Under the National Archives Act of 1934 the Archivist of the United States was authorized to deputize examiners to examine records in federal agencies. One group of examiners, called Deputy Examiners, was charged with identifying records of permanent value. The task of Special Examiners was to identify records of useless value that the Archivist of the United States would submit to Congress for approval of destruction.

Very soon both the Deputy Examiners and Special Examiners recognized that the disorganized state of records in federal agencies made it very difficult and time consuming to identify permanent and useless records. Two Special Examiners, Phil Brooks and Emmett Leahy, began calling for the engagement of archivists to promote good records administration early in the life history of records, long before records would be eligible for disposal or transfer to National Archives. With the strong support of Solon J. Buck, who became the second Archivist of the United States in September 1941, both Brooks and Leahy initiated activities called records administration that eventually became records management.

In September 1941 Ed Leahy transferred to the Department of Navy where he became the Director of Records Administration. A year later when Leahy was being considered to become a commissioned officer, Archivist of the United States Solon J. Buck wrote a reference letter in Leahy's behalf:

"I have known Mr. Leahy intimately since 1935.... He is highly endowed with intelligence, initiative, and energy, and he has a very fine personality. I am sure that he would make an excellent Naval officer, and I take pleasure in recommending him for a commission." (Buck to director of the Naval Office of Procurement, October 1, 1942, Emmett J. Leahy Official Personal File Folder, in possession of the author.)

At the Navy Department Leahy began implementation of a records administration program that included elimination of huge accumulations of duplicated or useless records held by components of the Department of Navy and simplification of forms that collected redundant information. Under his leadership, the Navy created numerous records disposition schedules and established a Navy Records Management Center in a garage in Alexandria, Virginia that had gone out of business. This was the first records management center in North America. By the end of the war he had established eight more Navy Records Management Centers. Leahy also was an "evangelist" for the use of microfilm to reduce the volume of paper records, such as engineering drawings required for repair work on navy vessels.

Late in 1945 Leahy left the Navy Department to join Remington Rand as National Sales Manager for Microfilm and records management consultant. After two years Leahy left Remington Rand to establish the National Records Management Council to promote records management. In 1948 his national visibility as a records management expert resulted in being invited to join the Hoover Commission on the Reorganization of the Executive Branch of Government and to head a task force on the reduction of records. One outcome of the task force that Leahy chaired was a movement to incorporate the National Archives into a new government organization, the General Services Administration. Of greater importance was the Federal Records Act of 1950, which for the first time established a comprehensive records management program for the federal government. What is frequently overlooked is that many key provisions in the Federal Records Act of 1950 were included in a proposal he submitted to the Budget Bureau in 1942.

Leahy's work on the Hoover Commission gave him and his company, Leahy and Associates and Leahy Business Archives, increasing visibility as records management consultants and this eventually led to the creation of records centers for the storage of business records. By the late 1950s Leahy Business Archives and Business Records Centers in major U.S. cities were in effect an Iron Mountain enterprise storage facility.

In September 1963 at the age of 52 Leahy suffered a stroke and died. A close associate at Leahy Business Archives, Chris Cameron, and his widow ran the company until it was sold to a British Company in the late 1980s.

Three years after Leahy's death, Rod Exelbert, editor of a newly formed magazine, *Information Management Magazine*, decided that he would use the magazine as a venue for the creation of the Emmett Leahy Award for Outstanding Contributions to the Records and Information Management Profession. The first Emmett Leahy Award was presented in 1967 to Edward Rosse of the Social Security Administration. The award has been presented annually except for the years 1981 to 1983 when the Emmett Leahy Award had no sponsor. Over the years the Emmett Leahy Award has been sponsored by the *Information Management Magazine*, the Institute for Certified Records Managers, Pierce Leahy Business Archives, Iron Mountain, and more recently Huron Legal.

Presentation of the Emmett Leahy Award at the National Archives Building is an historic occasion. As the representative of the Secretary of Navy on the National Archives Advisory Council, Ed Leahy participated in numerous meetings in this very room that recommended new records administration initiatives to the Budget Bureau, including the Records Disposal Act of 1943 and the draft Public Records Act of 1944. It is fitting that presentation of the 2011 Emmett Leahy Award to Jason R. Baron of the National Archives and Records Administration occurs in this same room. Jason is the 42nd recipient of the Emmett Leahy Award and is the 8th staff member of the National Archives to receive this award. The other seven recipients are:

Everett Allredge	1969
Harold L. "Mark" Koenig	1974
Ben Oliver	1978
Artel Ricks	1987
Frank Evans	1995
Charles Dollar	2005
Ken Thibodeau	2008
Jason R. Baron	2011

Aside from their specific contributions to the records and information profession, these eight recipients of the Emmett Leahy Award spent their professional careers at the National Archives. No other organization in the world can match this remarkable record of individual accomplishment. This is a powerful testament to the mission of the National Archives of the United States to promote excellence in records management.

The Emmett Leahy Award Committee, which is an independent body that selects the recipient of the Emmett Leahy Award, is composed of the ten most previous recipients. We have two former members of the Emmett Leahy Award Committee. Fred Diers and Jim Coulson, with us today. We also have three other recipients of the Emmett Leahy Award here to represent the Committee. They include John Phillips, Ken Thibodeau, and me. John Phillips is rotating off the Committee after ten years of service and will be replaced by Jason Baron.

It is now my pleasure to invite the 10th Archivist of the United States, the Honorable David S. Ferriero, to share his thoughts on this occasion.

Remarks of US Archivist David S. Ferriero

Good morning, I'm David Ferriero, Archivist of the United States. We are delighted to be the host for this year's Emmett Leahy Award. As Charles [Dollar] just noted, Emmett Leahy was a longtime esteemed member of the greater National Archives family. It is particularly nice to know that a number of former NARA staffers have come back for today's ceremony.

It is with special pride to NARA that we celebrate and honor one of our lawyers with the prestigious Emmett Leahy Award today, Mr. Jason R. Baron. Jason is Director of Litigation in our Office of General Counsel. He is in fact the first and only person to have held this job, having been selected by Gary M. Stern, our General Counsel, to come to the National Archives in 2000. He came here after serving 20 years as a trial lawyer in government, first at the Department of Health and Human Services, and then after a dozen years in the Civil Division of the US Department of Justice.

In addition to a prior award from NARA that Jason received while still a Justice Department attorney for his work in fashioning the 1995 e-mail regulations, in the decade since he came here to work Jason has been recognized with three of the highest honors this agency gives. He received Archivist Awards in 2002, "for extraordinary efforts in reviewing Presidential email records and assisting the Justice Department" in the U.S. versus Philip Morris case; in 2005, "for extraordinary services to the White House, the Senate, the public and the press in providing access to records pertaining to John Roberts," and in 2009, "for bringing the electronic records of the George W. Bush Administration into NARA's custody." He has received many other honors and awards as well during his time in government, including from DOJ, NSC, HHS, SSA, as well as a Fed 100 award for his contributions to e-discovery advocacy.

In my almost two years as Archivist, I have come to know Jason Baron and appreciate his expertise and respect he has earned from his peers. In his time at the Department of Justice and the National Archives, he has become what many people regard as *the* "go to" lawyer in the government on issues involving preservation of electronic records under the Federal Records Act. I know that Gary Stern and all of us at NARA greatly value his advice and counsel on all such matters, and in zealously defending the interests of this agency in litigation.

I have also seen Jason in action at NARA conferences, as I'm sure many of you have – and I can tell you that he always exceeds expectations (which isn't hard when the subject is compliance with records management). He is surely destined for his own slot in the Comedy Central lineup. Stay tuned!

Jason is truly an enthusiastic champion of NARA's mission everywhere he goes, and believe me he has gone everywhere – from Barcelona to Beijing, having given lectures and conducted workshops in numerous countries around the world in addition to making over 200 appearances in the US before federal agencies and at conference venues.

In recent years Jason has been a thought leader in pushing the federal government to adopt smarter forms of electronic archiving, and in finding better ways to search through large volumes of the government's electronically stored record information.

Finally, I can tell you all that Jason is universally admired and liked by NARA staff. Just one example is an email that came in about today's event from a long time senior records analyst Mark Ferguson in our Denver regional office:

Congratulations on winning the Emmett Leahy Award, the Nobel and Pulitzer of our profession. There is no higher honor for records managers. I am so pleased that a NARA employee won it and it is well-deserved. We in the National Records Management Program are so fortunate to have a Director of Litigation who actually takes an interest in the missions of our agency and provides such excellent counsel on how we should approach the complex issues facing life-cycle management of Federal records. I am glad you stayed on past your stated retirement date to get this honor.

Jason, from all of 3500 of us in the NARA family, we extend our sincere congratulations upon this occasion and our thanks for your many years of wise counsel and service.

Introductory Remarks for the 2011 Emmett Leahy Award Presentation

**National Archives and Records Administration
Washington, DC September 15, 2011**

John Phillips, Emmett Leahy Award Committee Member

It's a pleasure to be here to speak with you today!

As you are aware, the Emmett Leahy Award Committee's goal is to recognize excellence in the professional fields related to Records and Information Management. We are here today to recognize the accomplishments of an individual that has made a singularly grand and broad contribution to the Records and Information Management professions.

The Profession of Records Management, or Records and Information Management as we often call it today, is in turmoil. Records Managers, their customers, IT professionals, legal counsels, and executive management are all overwhelmed with the volume and variety of information management dilemmas facing us today. Business models change daily. E-mail, Office documents, Web pages, digital images and incentives to use remotely hosted cloud based architectures can put business records, evidence for court proceedings and historical treasures at grave risk. Records Management is becoming a challenge for everyone.

For these reasons, today's offices are confronted with changing professional responsibilities and expectations for RMs, IT, and Legal regarding litigation and compliance. There is often talk about teaming between records creators, Records Managers, Archivists, IT and Legal to create solutions to these challenges. But, what we really needed was someone on the inside - a lawyer that really believed in what we were saying, understood both technologies and the law and could demonstrate it. Fortunately for all of us an individual has taken the lead and combined both intellectual understanding of these issues and the personal involvement in both litigation and information management professions to bring about numerous changes in the way we work and manage information.

This individual is widely known for his connection to numerous landmark federal court cases. In the 1990s, as lead attorney for the government in the PROFS case (Armstrong v EOP), and the GRS 20 case (Public Citizen v Carlin), he helped set new expectations regarding how email is managed in federal agencies, especially with respect to the importance of metadata capture and management. Then, after coming to NARA in 2000, he led a team of 25 archivists and lawyers that responded to the

discovery demands in *United States v Phillip Morris*, the lawsuit brought by the Clinton Justice Department against tobacco companies alleging violations of the RICO Act and other statutes.

This intense experience in having to search through tens of millions of White House emails led him to key insights regarding the limitations of keyword searching in fulfillment of legal discovery obligations. Especially on the topic of search and retrieval, this individual has helped to found numerous activities that created information management insights regarding legal issues, and numerous publications. For example, his work with The Sedona Conference® has included acting as Editor in Chief of a leading commentary on best practices in search and retrieval. He also helped found the TREC Legal Track for the National Institute of Standards and Technology Text Retrieval Conference. This is a unique international research project evaluating competing search methods used by lawyers. It has been widely considered to be of great value across several professions and disciplines.

He is also considered a leader in the legal profession in encouraging thinking about alternative search methods to improve efficiency in discovery. And his efforts are bearing fruit. Recent research shows that various forms of machine learning have been documented as outperforming manual document review by humans. In addition he founded an international series of workshops known as the “DESI Workshop Series” which stands for Discovery of Electronically Stored Information, in which academics from the fields of information science, computer science, and artificial intelligence, have gotten together with the representatives of the legal community to discuss ways for lawyers to improve searching for information in various litigation contexts.

This individual is also known for a number of “Firsts.” This individual was first to deliver a presentation on the emerging law of metadata during a Managing Electronic Records Conference in 1996. He was the first DOJ attorney to spend 10000+ hours litigating federal records act cases involving email, including assisting in crafting the first federal email regulations issued in 1995 by NARA. He was the first US lawyer who participated in InterPARES. He was (and still is) the first (and only) NARA Director of Litigation. He is the first lawyer to teach e-discovery at a graduate program in information studies in the U.S. He was the first federal lawyer to Co-Chair The Sedona Conference® working group on electronic document retention and production. He was probably the first federal lawyer to have created a Youtube movie on e-discovery And ... he is the first federal government lawyer to be awarded the Emmett Leahy Award.

As many of you are aware, the individual that I am talking about is – Jason R. Baron. Jason has been widely respected as a unique leader in the field of Records and Information Management for decades. He has brought his extensive knowledge and experience in records management and e-discovery issues, to help establish best practices, to set legal precedents, and to educate the legal and records management professions on important issues regarding the preservation of and access to information and records in electronic form. He has accomplished this through a career of scholarship and lecturing throughout the U.S. and the world, while also acting as a federal attorney working at the National Archives, as a leader in The Sedona Conference®, and as an educator at several Universities. In all these capacities, he is looked upon as a thought leader in the legal and the records management professions.

For all these reasons, Jason Baron is very deserving of the Emmett Leahy Award that celebrates the professional achievements and international admiration he has earned. So I would like to introduce to you – Jason R. Baron.

Acceptance of the 2011 Emmett Leahy Award

Jason R. Baron

I am profoundly grateful to Charles Dollar, John Phillips, and Jim Coulson, for their remarks here today, and to each of the members of the Emmett Leahy Award Committee for the great honor and privilege you have bestowed on me. I couldn't do any better here than to quote Adrian Cunningham, last year's winner of the Emmett Leahy Award in Australia, when he said that “adding my name to the

distinguished list of previous award recipients, when there are so many other seemingly more worthy recipients who have not been so recognized, was both totally surprising and also immensely humbling.” I feel exactly the same way.

Let me also say my thanks to David Ferriero, Archivist of the United States, and to Judge John Facciola, for their very kind words, for all of their past support and encouragement, and of course for taking time to be present today. I wish to also note “for the record” -- as we lawyer types say, but it seems especially appropriate in this setting -- that also present are: Deputy Archivist Debra Wall; colleagues from the White House; several past Emmett Leahy Award winners; numerous colleagues from NARA, including the terrific attorneys and archivists I work with in our Office of General Counsel; and many other close friends and colleagues from both the public and private sectors. These include a number of members of The Sedona Conference®— some of whom I recently climbed The Great Wall of China with on the day before we conducted an e-discovery workshop in Beijing. And I can’t leave out former students from classes I have taught at the University of Maryland, as well as friends and family. I couldn’t be happier that all of you took time out for this occasion.

My intent is to write up a more scholarly paper on what I see as the future of information management and the law for future uploading to the Emmett Leahy webpage. Today, however, I would like to make more personal remarks, as after all, at least on this occasion, the Emmett Leahy Award is not being presented at a formal records management conference, but at a somewhat more informal type of gathering – falling somewhere between a press conference and a substitute for a retirement party.

Maybe it was in fact destiny that I have spent my life thinking about records. However, I confess I couldn’t really have imagined what my professional career would consist of when in 1977 I wrote an honors thesis in college on the privacy implications of a vast electronic database maintained by the FBI and accessible by the international organization Interpol. Later, after graduation from law school, in one fashion or another I always somehow got myself involved in the thick of records-related matters, including in major litigation.

It is a tremendous honor to be the first practicing attorney in the federal government to receive this award, and I believe only the second lawyer to ever be so honored. I have never had a dull moment as a federal lawyer in 30 years of giving legal advice and litigating cases. I was very lucky to work first in the General Counsel’s office at HHS on large class action cases, and then for a dozen years at the Department of Justice. I will always be grateful to those who encouraged me to think about coming to work at DOJ, and for having faith in me while I was there. During my time at DOJ, I got the chance to work on recordkeeping lawsuits of landmark importance, most notably the *Armstrong* case, also known as the PROFS case. My then supervisor, Elizabeth Pugh, who later became General Counsel at NARA, asked me in June 1992 if I wanted to take the lead on the ongoing *Armstrong* lawsuit, saying that it wasn’t going to amount to much more work and would in any event soon go away on appeal! Her “hoodwinking” me ended up with my spending 10,000 hours on successive lawsuits concerning White House e-mail, and was the start of nearly 20 years of my continuously attending to the subject of preserving electronic records of the government as a whole.

When I came to NARA, I quickly was engulfed in a huge RICO lawsuit brought by the U.S. against big tobacco (*U.S. v. Philip Morris*), which involved searches of millions of White House emails. This early experience at NARA led to what my colleagues in the e-discovery world have heard me describe as my personal Grail Quest, in attempting to educate the legal profession about more advanced, more efficient ways lawyers can use to search through vast collections of electronically stored information. This journey led me to pursue two of the smartest people in the information science world, Dr. Ellen Voorhees at NIST, and Dr. Douglas Oard, a professor of both advanced computer science and information studies at the University of Maryland, who together green-lighted and fostered the TREC Legal Track.¹ Over the past five years, the TREC Legal Track has proven to be a unique research

¹ See <http://trec-legal.umiacs.umd.edu/>.

platform evaluating competing search methodologies in a legal setting. I was subsequently approached by members of the AI and Law community to foster what blossomed into an international series of so-called “DESI workshops,” that have brought together academics and lawyers to think about profound issues of information retrieval in the legal space.² Along the way, Emmett Leahy award winner Bob Williams gave me an early showcase at Cohasset’s 1996 Managing Electronic Records Conference, to discuss an emerging law of metadata, and Emmett Leahy award winner Luciana Duranti invited me to teach at the University of British Columbia for a semester and to take part in InterPARES. I am so very grateful for those invites and for all the invites – many from those in the audience today -- to present and lecture at past conferences, workshops and events.

I am also so very grateful to Richard Braman at The Sedona Conference® -- a true visionary – who has been so supportive of all of my efforts to advance the path of the law, especially on the subject of search and information retrieval, in a just and reasoned way. Also, for the past 11 years, I have been enormously privileged to work in my “dream job” for NARA’s General Counsel, Gary M. Stern, who gives his staff the freedom to pursue their interests, wherever they may lead to around the US and the world (so long as we’re available 24/7 on our blackberries). I couldn’t have done any of this or achieved so much without his support in particular, or the support of successive Archivists and senior staff at this incomparable institution.

And of course, I have been privileged to have such a wonderful family. My wife Robin has put up with my late nights and weekends worrying about records management and e-discovery for going on 20 years this December. And seeing my high-achieving daughter Rachel blossom in high school is the most meaningful award of all.

My late Dad, Judson R. Baron, taught aeronautics at MIT. If he were around today, and if I told him I had received a Nobel Prize, he would say something like: that’s very good son, but just so you know, Linus Pauling and Madame Curie each received *two* Nobel prizes, so keep up the good work. Charles, please tell me that no one has received the Emmett Leahy award twice!

Seriously, though, I do feel a certain responsibility, now that I have received this honor, to clearly lay out my vision, admittedly from a lawyer’s perspective, of some aspirational elements of information governance in the 21st century having to do with public and private sector records. And so today, let me make three basic points before this audience of records experts and e-discovery lawyer gurus.

I.

First, we need to declare an official end to the end-user being expected to act as *de facto* records manager. I typed that college honors thesis on an IBM Selectric typewriter,³ and didn’t have a PC at my work desk until 1987. With the profound changes in the workplace that have since occurred, it has become a cliché to point out that we are overwhelmed in both our professional and personal lives with the growth of electronic communications, first via e-mail, then voice mail, then the Web, with endless possibilities now for engaging in messaging and social networking on a vast array of mobile devices as well as using PCs. With the notion of secretaries who acted as office managers controlling the workflow of documents receding into distant memory, we are all seemingly tasked by our organizations to exercise responsible records management in addition to carrying out our primary job functions. This was last possible about 15 years ago, when the volume of email traffic was far less in terms of messages of substance or lasting importance to the organization.

² See <http://www.umiacs.umd.edu/~oard/desi4/>.

³ For those who never have seen one, go to http://en.wikipedia.org/wiki/IBM_Selectric_typewriter.

It makes no difference, at least in my personal view, whether the government remains stuck in a print to paper paradigm for purposes of official recordkeeping, or chooses to spend millions in adopting electronic recordkeeping software that highly depends on end-users performing manual recordkeeping functions – those approaches are all a legacy of late 20th century thinking that we need to shake off and move away from. I am calling for workers of the world to unite (especially in the public sector), in opposing efforts to enslave them in recordkeeping responsibilities when there are new and better automated ways to perform this vitally important function. Especially in a time of fiscal scarcity, it is all the more important that we be lean, smart and agile on the recordkeeping front. We need to understand that there *are* the technological means to accomplish recordkeeping in 2011, if institutions have the will to convert to them. A cadre of committed folks at NARA are leading the way in testing automated capture technologies with smart filters and auto categorization techniques, and I will continue to champion these approaches. I promise to work with the best and brightest people both in this organization and throughout government to ensure the success of these new approaches to capturing email and other forms of electronic records, so as to relieve all of us of what is approaching an impossible burden not to mention an unattainable goal.

II.

Second, we all need to be more creative and interdisciplinary in our professional lives. My life and career has consisted of rowing between islands of excellence, including bringing “good news” from the world of information retrieval and artificial intelligence to the world of lawyers. I strongly believe that the legal community has been too insular in its approach to e-discovery, and needs to partner with academia and industry – including in insisting on optimization in e-discovery searches through the adoption of best practice standards, some of which may yet end up as recognized international standards.

But even on such seemingly mundane matters as how to execute a legal hold over records and information, we lawyer types remain largely stuck in a paradigm that too often relies on people, rather than automated technologies, and doesn’t otherwise best utilize interdisciplinary resources. So my second call to arms is to say to the legal community that they best serve their clients by bringing in records managers as well as CIOs and IT staff early on in litigation and investigations. The records community particularly in government should be sitting at the table when agencies are in litigation crisis mode, as well as when decisions are made on procurement of new IT systems. The Rosetta Stone I talk about in my lectures needs to be used more, for lawyers, IT staff, and records staff to better understand each other’s needs, and to best leverage the power of technology to solve legal and information management problems.

III.

Third, at the start of the second decade of the 21st century, I believe we need to recognize that the time is *now* to prevent what I have termed the coming “digital Dark Ages.” Archivists and corporate information managers can take the lead on this. The ongoing, exponentially increasing explosion of information means that over the next several decades the world will be seeing records and information growth orders of magnitude larger than anything ever experienced by humankind on this planet to date.⁴ We all need better ways to search thru these expanding universes of public and private sector electronically stored information. Nearly a century ago the archivist Hilary Jenkinson said we need “to neutralize the threat of hopeless unwieldiness”⁵ in our collective archives, and that was never more true than now.

⁴ See “e-Discovery: Did you know?” (2010), available at www.youtube.com.

⁵ H. Jenkinson, A MANUAL OF ARCHIVE ADMINISTRATION (London: Percy Lund, Humphries & Co.; 1922, reissue of 2d rev’d ed., 1966), p. 22.

This Administration has been pushing from Day 1 for policies that serve to ensure greater openness and transparency throughout government, and indeed, Archivist David Ferriero has often been quoted as saying that effective records management is the backbone of open government. But lest we forget, T.R. Schellenberg observed that “[i]n working with his materials an archivist has the dual objective of preserving them and making them available for use.”⁶ The challenge for all of us is in both preserving *and* making accessible electronic records – otherwise, there is a near certainty that most of the history of the early 21st century, measured by volume of discrete electronic files, will not be open and available any time soon. Indeed, due to the need to protect privacy and due to other restrictions in place on discrete segments of these records, vast collections of e-records may end up being *de facto* inaccessible to historians and researchers for 75 years or more. In light of this identifiable certainty, the need exists to use new automated tools and technologies to ensure that personally identifiable information is properly filtered out of email archives, that new forms of software such as clustering algorithms are used to sort and categorize records worthy of more immediate opening in vast collections, and in general that automated technologies are more greatly employed to ensure that access to the public sector’s permanent electronic records is guaranteed in the near term.

A couple of years back I said while presenting at the DELOS conference held in Rome, hosted by 2009 Emmett Leahy Award winner Maria Guercio, that our present daily collective digital experience is like standing underneath the climactic moments of a July 4th fireworks. (This metaphor I trust will work better in this room than it did in Italy.) As I said, we are all experiencing in our professional and personal lives a vast illumination, representing all the data that overwhelms us on a daily basis. But as in a July 4th fireworks display, the illumination is followed by sudden darkness. The paradox of our age is information overload followed by a future inability to access anything of importance – either because it was not preserved in the first place, or more perversely, to again echo Jenkinson, because it cannot be easily found amongst the unwieldy bulk of what has been preserved.⁷ We have a duty as stewards of future scholarship not to let that future happen -- so we all need to be smarter in preventing or mitigating this potential information dystopia.

Those are my three calls to action.

When I’m in the Archives building late at night, here on the Mall, ready to go home, I go thru the large doors you all came through, and cross Pennsylvania Avenue. I always stop and turn to my right, looking East, where the Capitol dome is lit up. The sight still brings a clutch after all these decades in this city, still moves me to think that I am so very lucky to have spent my time doing my small part as a dedicated public servant to advance the cause of good government. I have always wanted to be “the man in the arena,” Theodore Roosevelt’s phrase,⁸ not a mere critic on the sidelines. As this year’s honoree, I wish to dedicate the rest of my life in continuing in these causes, in dedicating my efforts towards education of the bench, the bar, of my federal colleagues, and students in the classroom, on the enduring importance of good records and information management principles in the digital age.

And one last thing: as many of you know, I had a countdown clock to retirement after 30 years of federal service, and the alarm did go off six months ago as to my eligibility. It has been such a great privilege to be able to work on important issues involving electronic records during my time as a lawyer at this agency. However, given all the exciting things that are happening in the records and information management space, and the leadership exhibited by the Archivist, the news I wish to make today is ... no real news: I just plan on sticking around for a little while longer.

Thank you again to the Emmett Leahy Committee for this tremendous honor.

⁶ T.R. Schellenberg, *MODERN ARCHIVES: PRINCIPLES AND TECHNIQUES* (Chicago: U. Chicago Press 1956), p. 117.

⁷ “There is . . . a real danger that in the future research work upon Archives may become a task hopelessly complicated by reason of their mere bulk.” H. Jenkinson, *supra* n.5, pp. 148-149.

⁸ See <http://www.theodore-roosevelt.com/trsorbonnespeech.html>.

Closing Remarks

Jim Coulson, Managing Director, Huron Consulting Group

Emmett Leahy Award Winner

Thank you Jason. You are enjoying a truly remarkable career.

I am very proud to be here representing Huron Legal. As some of you may know, the expenses of the Emmett Leahy Award Committee are underwritten by Huron Legal as part of its commitment to manifesting and recognizing excellence in records management.

The Emmett Leahy Award promotes and facilitates industry leadership by identifying individuals who have demonstrated exemplary contribution to the RIM profession. This is done by carefully and critically assessing the achievements and contributions of RIM professionals against strict criteria. The individual is identified who has demonstrated the most overall positive impact on the RIM profession. In the spirit of Emmett Leahy himself, Award winners provide a strong example for present and future leaders of the RIM profession.

The Award also promotes and facilitates RIM thought leadership by collecting and disseminating the vision, wisdom, and ideas of its leaders to all RIM practitioners around the world. In fact, five of the last ten Awardees have been from outside of the US representing the UK, Italy, Australia and Canada.

It should be noted, however, that the Emmett Leahy Award Committee is an independent entity and is not a part of the Institute of Certified Records Managers, ARMA International, the National Archives or Huron Legal. The selection of the annual Emmett Leahy Award recipient is the exclusive responsibility of the Committee, composed of the last ten winners of this prestigious award.

I extend my personal congratulations to Jason, a truly deserving recipient of the 2011 Emmett Leahy Award. Nowhere could be more appropriate for this honor to be bestowed than the National Archives. As we close this special celebratory event for Jason, I thank all of you for your attendance and wish you well from Huron Legal as we all continue to pursue excellence in records and information management.