RECOMMENDED PROTOCOLS for ADMINISTRATIVE RECORD INDEXES

Oregon/Washington Bureau of Land Management (OR/WA BLM) Litigation Team

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OR/WA BLM has the ability to either develop their own indexes for an administrative record or contract out index development. In the past, BLM districts have generally developed their own indexes. For large or unique projects, the Oregon State Office has contracted out index development with successful results.

INDEXES There are generally two indexes. BLM to provide title and footer information for each.

1. **Administrative Record Index -** searchable PDF of all records, linked to all searchable PDFs and redacted PDFs (no links to attorney client privilege documents withheld in their entirety). Redactions in black or white.

2. **Privilege Log Index (ATTORNEY COPY) -** searchable PDF of all redacted and privileged records, linked to searchable PDFs of withheld documents and yellow highlighted versions of redacted documents only. Redactions in yellow so attorneys can read content.

The Litigation Specialist, Oregon State Office, can assist in identifying any attorney preferences and/or expectations early on in the administrative record development process.

INDEX FIELDS The Oregon State Office has found the following contractor protocol to be extremely helpful in creating a consistent and accurate indexes. If the district is developing their own administrative record indexes, we recommend including the following columns and applying the corresponding protocol.

- *Blank column for Bates number*. Contractor has software to apply Bates numbering. Contractor will hyperlink Bates number entry to actual document.

- *Date*
  - Determine date format and apply it consistently:
    - March 2006 or 03/00/2006
    - March 20, 2006 or 3/26/2006
  - When there are multiple dates such as a date the document was created and date stamp when it was received, use the date document was created.

- *Author*– use LastName, FirstName (Organization, Position)
- *Recipient* – use LastName, FirstName (Organization, Position)
  - List only the first author/recipient if the document has more than one. If there are multiple names, follow the first name by “et al.”

- If the author/recipient is unknown, code “unknown” until the district can make a determination on what general information to use.

- *Description* – use the following general formula: “Doctype” + re or titled+ “concise doctitle description”. Recommended “doc types” for consistency :

Abstract	Fax	Postcard
Agenda	Federal Register	Presentation
Article	Index	Press Release
Attorney Comments	Information Bulletin	Report
Briefing Paper	Information Memorandum	Schedule
Brochure	Letter	Scoping Data Sheet
Chart	Mailing List	Sign-in Sheet
Comments	Meeting Minutes	Status Update
Conversation Record	Meeting Notes	Summary
Cover Sheet	Memorandum	Table
Document	Memorandum of Understanding	Talking Points
Editorial	Newsletter	Website
Email	Notes	

- Use “Document” as a general catch-all category if no other doctype can be determined.

- Project Record Coordinator to develop “concise doctitle description”
  - Do not use commas after the verb.
    Example: Report titled Environmental Impact Statement.
  - Put periods at the end of all sentences.
  - Treat the first page of the document as the primary document.
    Example: Mailing list followed by report. Mailing list is the primary document – report will most likely include title page etc. A complete report version as the primary document will likely be found within another folder (schema).
    - Code as: Mailing list distributing report titled ……
  - If an email is utilized to disseminate information to a global audience, treat the information as the primary document.
    Example: Email’s content is a press release, document is a press release NOT an email.
    - Code as: Press release re …..

- Emails with attachments can be coded as one document, with the “this attachments(s)” OR can be coded as separate documents. Make this determination and apply it consistently throughout the index.

- If the email and attachments are coded as a single document, add “with attachment(s)” to the end of the description.

* *Privilege Reason* – there are four primary privilege reasons. Include the appropriate reason in this column when it applies. Most documents will not have a privilege associated with them.
  - This document has redacted information – privacy act.
  - This document has redacted information – attorney client privilege.
  - This document withheld in its entirety – attorney client privilege.
  - This document withheld in its entirety – attorney client privilege. This document also has redacted information – privacy act.

REDACTION PREPARATION

Highlight the information BLM has identified to be redacted with a yellow highlighter. Put a colored mylar flag on the pages that have a highlighted redaction and note if it is a “privacy act” redaction or a “attorney client” redaction on the mylar flag. This will assist the contractor in applying redactions and making the appropriate notation in the “privilege reason” column.

ATTORNEY CLIENT PRIVILEGE DOCUMENTS

It is helpful to separate out the attorney client privilege documents from the rest of the record so as facilitate any necessary attorney review/confirmation and eliminate possibility of providing records that are intended to be withheld.