

John Caher: Welcome to Amici, News and Insight from the New York Judiciary and Unified Court System. I'm John Caher.

Today our guest is Geof Huth, the Chief Records Officer and Chief Law Librarian of the Unified Court System. Geof is an authority on best practices in government records management.

Before the joining the court system in 2016, Geof was director of the New York State Archives Government Record Services, where he ensured that records of local government and state agencies were properly archived. He has served as chair of the Mid-Atlantic Regional Archives Conference, president of both the Albany chapter of ARMA International, an organization of records management professionals, and Capital Area Archivists of New York, chair of Upstate New York's Lake Ontario Archives Conference, and chair of the Mid-Atlantic Regional Archives Conference. Geof also served on the council of the Society of American Archivists from 2012 to 2015.

He has a Bachelor's Degree in English from Vanderbilt, a Master's in English from Syracuse, and a Master's in Library Science from the University at Albany.

Geof, welcome to the program. Tell us what the court system's Chief Records Officer does. I picture a molelike creature living in the dusty bowels of the courthouse, surrounded by obscure parchments.

Geof Huth: If only that were the case.

I actually have to say, what I love about the way that you wrote that, is that it gets to issues that archivists—people who deal with historical records—kind of don't like, which is, thinking about them always, our records always being dusty, because usually they're not.

But, guess what? The truth is that your description is closer to my reality as a Chief Records Officer than to almost any other archivist in the world. We deal sometimes with very old records, back to 1674, and records that have been kept in places that were impossible to dust because of the way they're set up. You cannot believe what old recordkeeping systems were like. We do have dusty places with old parchments, and even evidence of mice having eaten them. That's only part of the job.

Most the job, I'm focused on trying to make sure that the court is as efficient as possible in taking care of their records. That means, they throw their records away when they should, they know where their records are so they can find

them quickly and, very importantly, they make as many of their records digital and as many of their processes digital, as fast as possible, so that the court system can survive.

John Caher: Who makes that initial decision on what should be kept and what should be thrown away?

Geof Huth: Well, to some degree, the Chief Records Officer. So, what happens is we have a process that we call "retention scheduling," where we figure out how long do we need to retain records. You retain records based on the value of the information they have, and some value disappears quickly.

If you have a purchase order, after six years it's always gone, because a purchase order only has a little, short lifetime. You don't really need it after you've paid the vendor, everything's gone through, everything's been cleaned up. Other records are kept forever, because they have so much importance. That's why we have records back to 1674, the earliest extent minutes of the courts, because that gives you a view into history.

We put together retention schedules, but it goes through a process with legal review, and finally signoff from the Executive Director.

John Caher: I want to understand the process a little bit. Let's say there's a trial in a county courthouse somewhere in the state, and there is a transcript of it.

Geof Huth: Mm-hmm.

John Caher: That transcript goes where? Does it just get stored in the courthouse until somebody decides to keep it or trash it?

Geof Huth: It could. What happens in such cases, if you have cases relating to trials, and especially if you have a criminal trial, it's based on the kind of crime how long you keep it. We don't make decisions based on "this trial," we make decisions about "trials of this kind."

If you have murders, very serious felonies, as serious as they get, they have long retention periods, so that all issues can be addressed. But, usually, because of the volume of the records, we only save a sampling of the records. We usually only save records forever, nowadays, records of this type, when they were created in a year ending in a zero. This creates a sample that says every 10 years you'll have a sample of what the cases were like, and that will be everything that would happen that year. That will tell you what happens, but it does not necessarily save the court case that you're looking for if it was important.

One of the things we have to think about is, do we have to identify the really important cases that were headline news, that changed judicial thinking, and do we have to figure out how to identify those separate from the sample that we keep?

John Caher: Of course, there's a difference between preservation for legal purposes and preservation for historical purposes. Obviously, you retain these records until all possible appeals are exhausted.

Geof Huth: Absolutely.

John Caher: Then I imagine it becomes an issue for your office—historically, how long after that do we keep it?

Geof Huth: Right. For us, historical only means forever. It's the small sample in this case, that is the "forever." Then, of course, there's one issue that I have. It's very strange. Our retentions for different kinds of records in the court system run from destroy immediately, that means you receive it, just throw it away. Then, keep forever. This is an infinite difference.

John Caher: How did you come to this job in this field?

Geof Huth: I came into this field because I was an English major, and I had a graduate degree in English, and this provides you with lots of skills that you can't sell. What I was interested in, I figured, was information, because that's why I was interested in literature. I was interested in reading and writing, but I was interested in information overall.

I was stuck with these two decisions. Should I be a lexicographer, another fairly small field, and write dictionaries my entire life, or should I be an archivist and take care of records my entire life? I decided to be an archivist for the reason that there are a lot more jobs in archives. That's what I did, and I decided on that mostly because my father was a genealogist, and we used to go around the United States and Europe doing research. I mean, very detailed, historical research. My father was trained as a historian.

What I did was, I kept seeing that people in these small churches and these small towns in France were never taking care of the records well. They would open up this cabinet, and there'd be a bunch of piled-up, old books from the 17 and 1800's. I thought, "There must be a job where you can help people take care of these things." Then, I just found a way to be trained.

John Caher: We'll get back into your background a little bit later. I know one of your projects now is a transfer of hundreds of thousands of state court records to the State

Archives. That's attracted a fair amount of media attention over the past year, partially because these documents date back, as you mentioned, to the 1600's. Can you explain, just for our listeners, what that project entails?

Geof Huth: This project is where all the dust and parchment comes in. What it entails is having my staff go out to this archives that we have. It's in a building in New York City, which we usually call the Surrogate's Courthouse, which was designed to be a hall of records. It was designed to be an archives for all sorts of records that were created by government in the city of New York. However, in the early 1900's, they had no idea how to build such a thing correctly. The records have suffered a lot because the environmental conditions aren't good there.

We go in and we look at the records, we figure out what they are, we box them up, and we pile them up and we send them away. That almost seems easy, but the complexity is, when you have records that are hundreds of years old, where nobody's around to tell you what they mean, you have to figure out what they mean, you have to figure out how they work with other records. You have to give them names, and you have to sometimes put them in order, because sometimes disorder occurred. I mean, some of this disorder clearly occurred 200 years ago, not today.

So, we spend a lot of time getting dirty, figuring things out, and putting them away. The interesting thing is, there's a lot of history in this. We always think about the history of the famous people. We have Hamilton, we have Burr, these men have court cases where they were involved in as litigants, and they have court cases, hundreds of them, in Burr's case, clearly thousands of them where they were the attorneys in civil cases.

John Caher: With Burr, maybe occasionally, the defendant?

Geof Huth: Certainly. I mean, he was the defendant de facto in his divorce case, which is a very sad story about a youngish woman marrying a 73 or so year old man, and then realizing that all he wanted to do was use up all her money. Too bad for her that's not a reason you could get a divorce at the time. The reason was infidelity, which the court said was proved, but might have been a made-up story.

John Caher: Hmm. What else do we have dating back a couple hundred years? Any other Founding Father type papers?

Geof Huth: Well, there's the entire Livingston family, Robert Livingston. The first one was, whatever the Chief Judge was called, I can't remember.

John Caher: Chancellor.

Geof Huth: Of the Court of Chancery. He held court in New York City and up in Clermont in his ancestral estate. These papers are filled with famous early lawyers in the country, plenty of Founding Fathers that I'm not thinking of from New York State, all sorts of original patriots of the Union.

John Caher: And even before that, as I recall. Do I recall correctly, that there are papers that still exist from the famous case, the King vs John Peter Zenger, the case that established the tradition of free speech in this country?

Geof Huth: Very important case, and you're absolutely right. It's saved in the Minutes of the Supreme Court of Judicature, which have been transferred to the New York State Archives now. It's very interesting, because you can follow the case, but it's not like it's in one place. The case comes before the court, they make some sort of decision that's written down, a few pages later something else occurs, it gets written down. There are all these other cases mixed in, but you can follow the book through, and you can watch John Peter Zenger going up against the Crown, and eventually succeeding in his case, which was very important, because this essentially is the kernel for the idea of our First Amendment Rights.

John Caher: As well, I think, of the concept of "Jury Nullification," where a jury can nullify, ignore, a law that it doesn't like. John Peter Zenger was guilty, no question about it.

Geof Huth: Correct.

John Caher: He had violated the law and the jury said, "We're not going to enforce a law like that."

Geof Huth: Yes, because it was a pretty dramatic decision for them to have made. I don't know enough about how it affected the development of the republic, but I sometimes see it as probably having an effect on that, because you're rejecting what the Crown would normally want to have happen.

John Caher: Mm-hmm [affirmative].

Geof Huth: Because you'd want to have control as a monarch.

John Caher: These records originally, were they just kind of stashed in the basement or something, without any thought of historic preservation?

Geof Huth: Its history is dramatic. If I follow these records as well as I can from their earliest beginnings, some of these courts began earlier than 1674, some started in the 1690's. If I follow them through, I can see where they started in a tiny little tavern that no longer exists on Pearl Street in New York City, then they moved

up to what's now the site of Federal Hall in New York City, but something else used to be there. They then moved to the middle of City Hall Park, now near the Brooklyn Bridge, and finally they moved across the street from there to 31 Chambers Street, the Surrogate's Court building.

During this time, there were various levels of care. Initially, not very good care. What we do know, is that they were eventually in the bottom of a basement, some of them in this old courthouse, some of them in the Tweed Building, and they were a mess. If you go and look at them, they were a terrible mess in 1911, when we have pictures of what they looked like down there. Glass plate negatives, as a matter of fact. We can see that they're dusty, they're out of order, there's lots of chaos. I can, in those pictures, recognize records that I have found today. I can tell that they used to be there.

Then, they moved across the street. When they moved across the street to the Hall of Records, they were supposed to be taken care of very well. They put in what must have been—and I haven't looked it up, but I know the history of this pretty well—must have been thousands and thousands of dollars. They put in what are called Woodruff files. These are these tiny—

John Caher: Woodrow files?

Geof Huth: Woodruff. Woodruff files. They're these cabinets for storing records. But, instead of having nice, wide drawers that are as wide as a sheet of paper is long, they have these very narrow drawers, so that you have to fold all your papers in three parts. You have to tri-fold everything over and over again. All the papers get folded, they get put in these drawers. If you want a piece of paper, there's a label on the outside, you know what range to get, you pull it out, you use it, you untie the red tape, the cotton red tape that holds them together, you read them, you tie them back and you theoretically put them back. They bought all of this shelving, they had different size shelving for different heights of the room, to hold volumes, for all sorts of things. They had—

John Caher: It never occurred to them to make it the length of a piece of paper?

Geof Huth: The amount of time that it took human beings to figure out how to rationally store paper records befuddles me to this day, because they had terrible ideas until they came up with, "Geez, why don't we file these in folders sitting on their sides?" It took them a long time to do that. They got stuck in all of these things, but then tons of work occurred. At least from that time in 1911 when all of the records moved over, until at least 1942, they were doing tons of work. They had book binders rebinding the books, they had people taking the records and putting them into order, sometimes by eradicating the order that they were originally in and sort of causing chaos, sometimes by taking two different kinds

of records and putting them together, or records from different courts together. They did lots of weird things, but they were trying to care for them. They did enormous amounts of indexing, so that we could... If you know a plaintiff's name, we can almost always find the papers that it was related to. There are hundreds and hundreds of thousands of [index] cards telling us where all these things are.

They did tons of work, but the problem was, is, that if I look through this body of papers, which tells me a lot about the history of the court system and its record keeping, it's the evidence that's left behind by the original court clerks and by these later custodians. What I can see is that the court system is constantly, always, forever, from day one, overwhelmed by paper. Unable to manage it, barely getting by, and it is still that process today. We are still struggling with how to manage the paper that we have.

People were always trying. It's just that the process was so big, they couldn't do it. Their resources, in terms of space in this case, just weren't adequate in order to make it easy to do. If they wanted to dust that place, it would take them months to dust it once. How could they dust it every year?

John Caher: Was there, or is there, a consistent process statewide? For instance, is the way that records are handled in Chautauqua County, the same as they're handled in Ontario County, the same that they're handled in Bronx County?

Geof Huth: I would say that a standard apothegm in the New York State Unified Court System, is that the Unified Court System is unified in name only, because there's a lot of local variation and you can do lots of different things. For instance, if you go from—

John Caher: And these records date back way, way before there was even the illusion of a unified court system.

Geof Huth: Correct.

John Caher: The Unified Court System only dates to the late 70's, I believe.

Geof Huth: Yeah, 1977. Before that, most courts were local government entities. They were attached to cities, to villages, to towns, to counties.

John Caher: And they did things their own way.

Geof Huth: They did things their own way because they were independent units of government, and they still have some of that flexibility. All we try to do is say, "Here are the rules you have to follow. Within those rules you solve your

problems.” But it’s still probably a good idea, because people’s resources vary, and it’s hard for us to keep them even because a lot of the custodians of our records are local government officials.

John Caher: Mm-hmm [affirmative].

Geof Huth: Town court records eventually become held by the town clerk. Records of the Supreme Court and of the County Court of every county, are managed by the county clerk. They’re the ones with that responsibility. We help them out as much as we can. It’s a big organization. We’ve got a lot of complexity. In the end, I think people do pretty well, but I would also say they’re pretty overwhelmed.

John Caher: I would imagine. Now, a whole lot of records are being transferred to the State Archives. What is the purpose of that, and will those records be more accessible or available to the public?

Geof Huth: That’s really the reason to move them. There are two reasons to move them. I was brought in early in my career at the Unified Court System, just a month into it, to go look at this space where these records were and say what to do. I told Ron Younkins we can do one of two things. I told him the less preferable one first.

I said, “What we could do, is decide that we’re going to have an archives. We would have to build a fairly sizable building someplace in New York State, and we would have to hire archivists to manage the records, conservators to deal with it, and building the building would cost hundreds of millions of dollars. Then we would have to fund a staff of at least 25 or something—that would be quite a chunk of change.” Or, we could say to ourselves that we are the court system and our issue is the provision of justice. How can we provide justice?

Right now, and we’re not an archives really, and so if we’re not an archives, maybe we should let somebody else do it. It just happens to be, that state law allows the New York State Archives—which I used to work for; hence I know this—the ability to take the records of the courts and manage them on behalf of the state. Doesn’t that make more sense? If the state has a way to give us efficiency, give us a custodian who can take care of the records for us, shouldn’t we go with that route?

The other thing I said was, “The State Archives will take these records because these records would fill a gap in their collection.” Because, the Supreme Court of Judicature eventually became four different units across the state, just like the Appellate Division we have now. They [the State Archives] had all of them, except for the initial one, the earliest one, with the earliest records. The Court of

Chancery Records—they had most of them, and most of the [records of the] eight circuits that they created in 1823.

But, if we give them all these other records, the records of the first circuit that they don't really have, and the early records of the Court of Chancery itself, they're going to have, finally, as complete a collection as they can of these records. It's going to cost us time and money to put this together, but then there'll be at a place where they have conservators, they have archivists, they have the staff. These records have already gotten use, almost immediately. I mean, within a couple weeks, historians were using those records. It has changed our understanding, for instance, of what happened to loyalists after the Revolution.

Which was, to be kind, extra-legal at best. Just wholesale taking of their land with barely a pretense of any legal action or judicial process.

It's very important, because now they [users] can get to them and we don't have to spend our money trying to do something the state already has somebody to do for us.

John Caher: That seems to make an awful lot of sense. Tell me a little bit more about your background. Where did you grow up, what'd your parents do? You've explained a little of how you got into the line of work, but I'd like a little more elaboration of that.

Geof Huth: I grew up on four continents, the Caribbean, and nine countries, in five states, including the District of Columbia as a state. I've moved almost 50 times in my life. I've lived everywhere, except for Asia and Australia, I don't count Antarctica. My father was a Foreign Service officer, and so we moved all the time. He was not a traditional Foreign Service officer. They usually specialize, not always, but they usually specialize in a region. You're an expert on Africa, or the Middle East, or Europe, or Latin America—something like that. But he wanted to see the world, and so—

John Caher: He certainly did.

Geof Huth: We saw the world. In the tenth grade, I went to school in South America, North America, and Africa. All my five siblings, younger than I, did the same thing, but in a different grade. That's what we did, we were always moving. It kind of makes me very interested in variety. I always want there to be something new to eat, or to drink, or to see, or to do. That's what this job gives me: there's a lot of different work in this records work. I deal with a lot of digital records issues, I deal with a lot of, "How do I solve this particular issue in this court?" I deal with

all the different kinds of courts we have. It kind of helps, it kind of explains why I love this job so much.

John Caher: You mentioned digital records. Is there any thought of digitizing all of these records?

Geof Huth: There is not, because we can't actually digitize all of them. We digitize tons of records. I mean, I'm running a project this year that will digitize up to \$600,000 of records for the Appellate Division, a huge amount of records. We need to do that, because they can't function if they don't. If we went back to all of our records, and we tried to digitize all of them—

John Caher: Insurmountable.

Geof Huth: It would be insurmountable. If you gave me \$5 million, it would not be enough to do.

John Caher: Oh, I wouldn't imagine.

Geof Huth: It wouldn't even be close.

John Caher: You'd probably need 5 million years, too!

Geof Huth: Yeah, but we do have plans for lots of digitization projects, lots of large digitization projects. I'm helping courts manage their records, save space, and also protect their facilities sometimes, because sometimes the records weigh so much that we are worried about the floor load. We have one place where we estimated the quantity of weight on that floor, and it was 18 tons.

John Caher: Wow, and it's all paper, right?

Geof Huth: All paper and the cabinets they're in.

John Caher: What is a perfect day in the life of an archivist?

Geof Huth: I kind of think of myself as an archivist, but I'm also a records manager who cares about managing current records. I'm also a librarian, the Chief Law Librarian for the court system. For me, a really good day is when I can do a lot of things, when I can figure out some questions relating to our oldest archival records, and tell somebody where they can get to them, or explain to them how the records work so they can use them, where I can figure out how to get us exactly the digital information that we need so our courts can operate, when I can work with my friends in DOT [the Division of Technology] to help solve some digital records problems, where I can work directly with the courts.

It would be a better day if all my staff was having that same kind of day where they were able to help the courts function, help us move forward, help us take care of our records, because this is the core of the court system. The core of the court system is records—that says everything we do, that says why we do it, that’s where we document our most important decisions, and our least important as well. Without those records, we would not be able to survive. We don’t need them all forever, but we need them to be here to make sure that we can do a good job. Whenever I’m able to do that, it’s a good day.

John Caher: That sounds great. Geof, thanks so much for your time, and it was a fascinating interview. Thanks for the work you do.

Thanks for listening. You’ll find all of our podcasts, which now number more than 50 on the New York State Court System website at www.nycourts.gov. You’ll also find many of them in the iTunes podcast library. If you have a suggestion for a topic that ought to be covered on Amici, or someone who ought to be interviewed, please give me a call. I’m John Caher, and I’m at 518-453-8669, or send me a note at jcaher@nycourts.gov. In the meantime, stay tuned.