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## Using Records Retention Schedules: Which Litigation Case Files are “Significant”?

**Purpose: Provide guidance to state agencies on the difference between Litigation Case Files – Routine (DAN GS 18004) and Litigation Case Files – Significant (DAN GS 18009) in the *State Government General Records Retention Schedule*.**

### **The Vast Majority of Cases are Routine (DAN GS 18004)**

- State agency litigation case files typically consist of copies of records also found in the Office of the Attorney General’s corresponding case file, as well as some unique records.
- Washington State Archives already documents the most important litigation cases though the Office of the Attorney General’s case files, which are designated as “Archival” in the *Office of the Attorney General Records Retention Schedule*. This is in addition to the “Archival” court records.
- For the **vast majority** (99.9%) of litigation cases, these “Archival” records are sufficient for the Archives’ collection, and the agency’s case file can be destroyed in accordance with **Litigation Case Files – Routine (DAN GS 18004)**.

### **Only Truly Exceptional Cases are Significant (DAN GS 18009)**

- **Very rarely**, there are litigation case files which have a **profound influence** on the administration of state government and/or the state of Washington.
- The series description for **Litigation Case Files – Significant (GS 18009)** cites several examples of such cases, including the Boldt decision (*United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974)); the McCleary decision (*McCleary, et al. v. State of Washington*, 269 P.3d 227, 173 Wash. 2d 477 (2012)); the WPPSS bondholders class-action suit (*In re Washington Public Power Supply System Securities Litigation*, MDL 551 (D. Ariz.)); and the Doran decision (*Seattle School District #1 v. State of Washington*, 90 Wn.2d 476, 585 P.2d 71 (1978)).
- If your agency is wondering if a case is “significant”, compare it to these profoundly influential cases to determine whether it is in the same league.
- If so, Washington State Archives needs to appraise the agency’s case file to determine if there are any records with permanent enduring (“Archival”) value beyond those in the Office of the Attorney General’s case files or the court records.

**Additional advice regarding the management of public records is available from  
Washington State Archives:**