

UNIVERSITY OF LONDON

Legal Records at Risk

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The Legal Records at Risk Project

- Why legal records?
- What is the project about?
- What is it trying to achieve?
- How will it achieve its objectives?
- What have we done so far?
- What's the benefit to archives, researchers and institutions specialized to law?

Lack of diversity of legal records available for research

- Plenty of court records and government legal records available and accessible.
- Far fewer private sector legal records readily available (other than deeds!), leading to.....
-A lopsided view of the history and development of the UK's legal framework and it's impact on social and cultural change?



Few dedicated “legal” archives

Business archives dominated by:
banking; booze; retailers. No law....

Other than the Records of Legal
Education Archives at IALS...and the
business records of, eg, The Law
Society, the Inns of Court

Legal records scattered through the
organisational records of private
businesses, charities, membership
organisations, pressure groups –
hard to find.



The Legal Records at Risk Project will...

Identify - and facilitate the rescue of – C20 legal records of potential value which may be at risk through globalization, digital obsolescence, neglect, lack of interest or lack of resources to preserve and provide access to the records.



What do we mean by “legal records”?

We want to broaden the concept of "legal" records from the traditional definition of them as court records or formal documents such as deeds to records of institutions specialized to law (ISLs), including business records, mainly in the private sector eg the records of law firms, barristers, legal executives, patent agents, licensed conveyancers, court interpreters, arbitrators, local law centres and ancillary bodies such as will writers, legal stationers and law publishers.

In doing so we hope to raise researchers’ – and archivists’ - awareness of the scope and potential value of the records of these ISLs in studying the development of the UK’s legal and social framework.

Why are C20 legal records especially at risk?

- Reduced collecting and management resources on the part of archive repositories – or no repositories at all!
- Unsustainability of traditional arrangements to save legal records.
- Digital obsolescence – records will not survive to be collected.
- Distinct lack of interest on the part of institutions specialised to law.
- Historians still wedded to the traditional notions of “legal” research...?

Let's see some examples....

No longer sustainable...

This is a recent “donation” of solicitors’ records to a local archives....

The records were in an appalling condition but because they were at risk the archives accepted them.

Other county record offices advise that they can’t afford to carry out this kind of rescue service in future.



No longer practical....

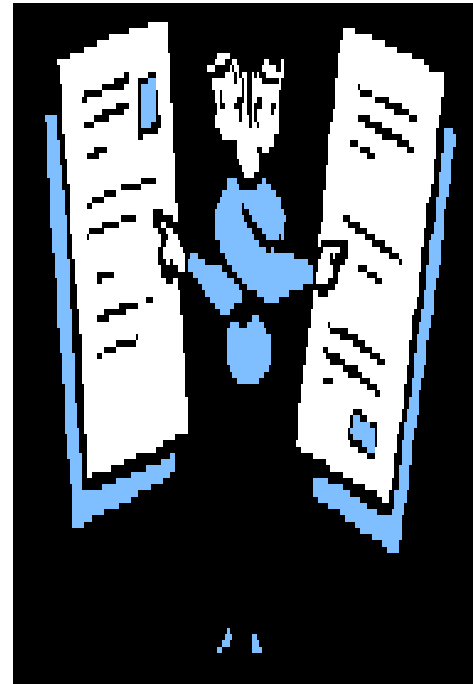
The British Records Association can no longer afford to act as a free warehouse facility for the unwanted records of law firms pending transfer to a repository

Even The National Archives has reduced the size of its Business Records Crisis Management Team..



No easy way to know what to keep....

The Solicitors' Regulation Authority has legal authority to, and may destroy, 500,000 cartons (plus born-digital material) of the records of intervened firms held in its Coventry warehouse unless it has help in a) establishing which records are of research value and b) finding willing repositories



Not interested...

We have contacted the 10 major London Law Firms (twice), plus 24 other institutions specialised to law (ISLs)..

- We have had three positive responses..
- Two negative responses...
- And no response at all from the rest!

Auctioning of legal records;
confidential records dumped in
skipsstill happening..



No longer accessible...

All institutions face the issue of digital obsolescence.

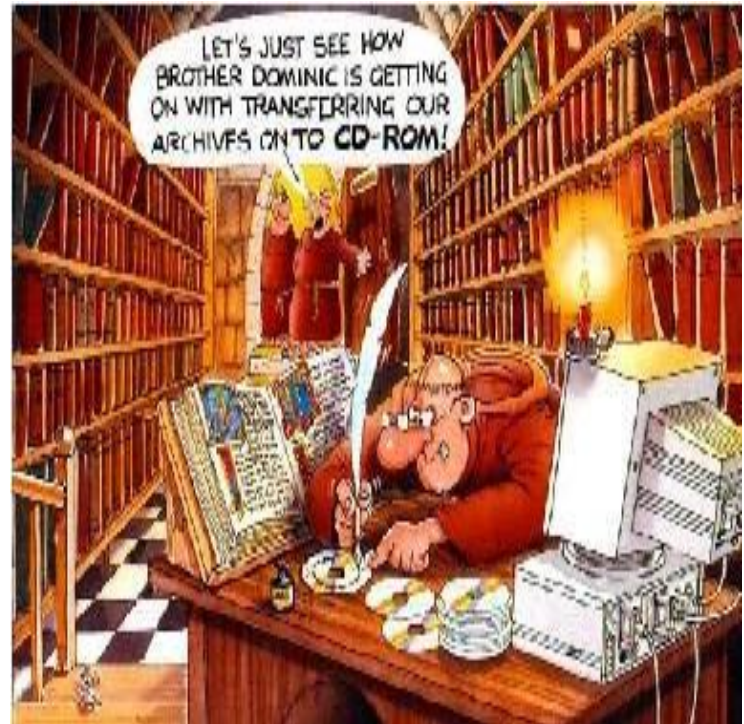
All archives face the prospect of a digital black hole in their collections.

Without pro-active records management from the point of creation to disposal there will be few records for archives to collect.



Are archives not interested in legal records?

- Are archives failing to collect enough legal records?
- Are “legal” records outside the collections remit of most archives?
- Are archives failing to digitise, catalogue and index legal records adequately?
- Are they a low priority because of low research demand?



Is there not enough research demand?

- Are researchers not interested in modern legal records?
- Can't they find any to research?
- Are digital legal records too hard to research?
- Is it too difficult to find legal records in archives catalogues?
- Are researchers looking in the wrong places?



What is LRAR doing about all this?

We will not collect records but will act as a conduit through which legal records of value (in all formats and media) are identified, preserved and made available for research, by:

- Liaising with potential repositories for legal records of research value.
- Facilitating the process by which information owners reach agreement to deposit with or donate records to those repositories.
- Providing generic advice and guidance on recordkeeping to information owners.
- Disseminating guidance on the location and content of legal records of value to research communities.

How will it achieve its objectives?

- By publishing case studies of best – or worst - practice
- By lobbying legal information owners about their information management responsibilities and the demonstrating benefits of good recordkeeping.
- By working with research communities to identify their needs plus gaps in provision.
- By working with the archives community to seek practical solutions to resourcing issues eg:
 - A charging model for depositors
 - Funding for peripatetic archivists to sort and appraise records on site

What are the long-term benefits?

For ISLs and researchers

- Helping ISLs to better manage their records
- Bringing ISLs with records of value together with relevant repositories
- Lobbying for ISLs to pay their fair share of the transfer process
- Enhancing research access to legal records of value

For archives

- A structured, co-ordinated and cost effective legal records review and transfer process which can be used as a model for other records.
- Working with archives, libraries and research institutions on developing digital archiving models for born-digital records of value.

Contact us/find out more...

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Our website is here:

<http://ials.sas.ac.uk/research/lrar/lrar.htm>