

## LEGAL RECORDS AT RISK

Seminar Dec. 10<sup>th</sup> 2015.

### 1. The Project

**Scope:** records of Private sector institutions Specialised to Law (ISLs) in England and Wales, 1913-2014, that are at risk. The category of ISLs is broadly and flexibly interpreted.

**ISLs Census: 16 categories of *institutions*,** including Providers of Legal Services, Arbitration, Providers of Ancillary Services (e.g law publishers, legal stationers), professional and specialist organisations/ associations.....

**Sub-categories:** Providers of Legal Services: PRIMARY PROVIDERS OF LEGAL SERVICES: Alternative dispute resolution, esp.\*Arbitration -Mediation services \*Barristers \*Insolvency practitioners \*Licensed conveyancers \*Multi-disciplinary practices \*Notaries \*Patent Attorneys Pro bono legal services (including law school clinics) Scriveners \*Solicitors \*Trade Mark Attorneys \*Will writers B. Secondary providers of legal services [Sub-level 2 \_\_ distinguish professional/ paraprofessional/ mixed/other].

### 2. Earlier work:

- Legal Records in the Commonwealth (Twining, Quick, Cowling and others) National Archives policies in relation to (mainly public sector) legal records.
- Records of Legal Education (Greater London). Report and archive at Institute of Advanced Legal Studies (Cowling, Winterton, Twining and others).
- *Records at Risk* (BRA Report \_\_ the starting-point of the project)

### 3. Pilot Project 2013-2015.

- Rationale and plans for a major project or programme.
- Preliminary study about records of international commercial arbitration. Conclusion: inadequately provided for. There are no insuperable obstacles to establishing an international archive, probably in the United States. (On hold)
- Census: identification and taxonomy of private sector ISLs divided into 16 categories with sub-categories (see above). Nearly complete.
- Report on actual and potential repositories for significant records of ISLs and problems relating thereto. (Collins-Dawson)
- Preparatory work for the project as a whole, including selective bibliography, background material, and ten briefing papers for possible sub-projects.
- Case study of one law publisher (almost complete).
- Preliminary review of problems for ISLs of adjusting to the Digital Age (Whittle)

4. LRAR Project started Sept. 1<sup>st</sup> 2015, based at IALS, funded by two years 'seed money' for Director and some research assistance. Substantial fund-raising in next two years.
5. **Strategy.** This is an action-research project conducted mainly by archivists. The programme will proceed on three levels:
  - (i) Systematic analysis of problems of preservation of Legal Records at Risk. Planned outcome: a report/short book marrying jurisprudence and the law in action with archival best practice.
  - (ii) Study of situation, issues and problems relating to selected particular categories and sub-categories of ISLs. Study of potential archival significance of differentiated types of ISL records in relation to various kinds of users. Raising awareness and general guidance re significance, selection and preservation of records of ISLs; identification of suitable repositories, including matching of specialist and niche institutions with appropriate repositories in liaison, where possible, with potential users. For example, linking individuals or firms specialising in entertainment law with historians of popular culture and potential repositories.
  - (iii) Case studies and dealings with particular institutions among selected categories. Analysis of problems; guidance on retention schedules, digital records etc; facilitation of transfer.
6. The project will not collect records. It does not assume that general archives principles and methods will need much adaptation to most categories of ISLs. The main focus is on **gaps** in provision for many categories, sub-categories and individual ISLs,

William Twining