



Legal Records at Risk

The LRAR project at the Institute of Advanced Legal Studies
working with the British Records Association

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British Records Association - *working for archives since 1932*

- .. to promote for the public benefit the preservation, understanding, accessibility and study of our recorded heritage
- Records preservation section ... to rescue records and make them more readily accessible for research
- Remit covers all private sector records but primarily legal property records from (London) solicitors
- Decreasing impact – almost 3000 deposits in 85 years, only 186 in last 15 years

Legal Records at Risk project – *launched September 2015*

- Identify and facilitate the rescue of post 1900 legal records of potential value, which may be at risk
- Broaden the concept of "legal" records from traditional definition (court records or formal documents) to include records of institutions specialized to law (ISLs) and business legal records, mainly in the private sector
- Building on BRA Records at Risk report 2012
- ..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

Why are legal records at risk?

- Mergers/acquisitions
- Reduced resources
- Unmanaged storage
- Disposal arrangements unsustainable
- Digital black-holes
- Business benefit not recognised
- Research value - limited view of “legal” research...



IRMS Property Records ‘issues’

- Original documents held by lawyers
 - Multiple firms for each project
 - Direct deposit/retrieval – bypassing information managers
- Outsourced storage
 - Costs of retrieval, exit, destruction
 - Lack of information on records in store
 - Risks of accidental loss/3rd party access
- Digital records management
 - Technical issues – access/migration/obsolescence
 - Often no central control or consistent procedures
 - Not considered ‘archival’ – digital black hole

Why are legal records not preserved?

- Seen as a cost – not an asset
- Not a compliance issue
- Unaware of business benefits
- Confidentiality concerns
- Fear of reputational damage
- Owners or custodians?
- Lack of expertise – considered an IT not a management issue
- Organisational inertia – IRM not embedded in work process



LRAR - the long-term goals

For ISLs/information owners:

- Helping ISLs develop sustainable records management systems
- Bringing ISLs with records of value together with relevant repositories
- Lobbying for ISLs to pay their fair share of the transfer process

For archives/researchers:

- A structured, co-ordinated and cost effective model for review and transfer and preservation of legal records
- Development of digital archiving models for born-digital records of value
- Enhancing research access to legal records of value

How will LRAR/BRA achieve goals?

Practical measures

- Conducting surveys and case studies – and publishing results showing good (and bad) practice
- Raising awareness - seminars, presentations, publications
- Providing generic advice and guidance on recordkeeping to information owners
- Liaising with potential repositories for legal records of research value and facilitating the process of deposit
- Disseminating guidance on the location and content of legal records of value to research communities

How will LRAR/BRA achieve goals?

Continuity

- Lobbying legal information owners about information management responsibilities and the demonstrating benefits of good recordkeeping
- Exploring new models for preservation (eg Pensions Archives Trust)
- Working with research communities to identify their needs plus gaps in provision.
- 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
- Collaborating with The National Archives and others to provide a sustainable framework for legal records preservation

Contact us/find out more...

LEGAL RECORDS AT RISK (IALS)

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