



# UNIVERSITY OF LONDON

## **Collections at Risk – legal records**

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## 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 individuals and institutions specialized to law and business legal records, mainly in the private sector
- 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 C20 private sector legal records especially at risk?

- Globalisation and mergers
- Reduced resources on the part of archive repositories – or no repositories at all!
- Digital obsolescence – records will not survive to be collected
- Confidentiality concerns
- Organisational inertia – IRM not embedded in work processes/seen as an IT responsibility
- Distinct lack of interest on the part of legal institutions – records not seen as an asset



# Globalisation and mergers

Leading to:

- Confusion over which institution is responsible for what records (and functions?)
- Loss of business and historical continuity



## Reduced archive resources to rescue records...

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



# Reduced role of the British Records Association

- The BRA used to act as a warehouse for legal records dumped by law firms. It then listed and parcelled records off to local archives.
- It can't afford to do this anymore so...
- It's working with LRAR to find alternative ways to rescue legal records

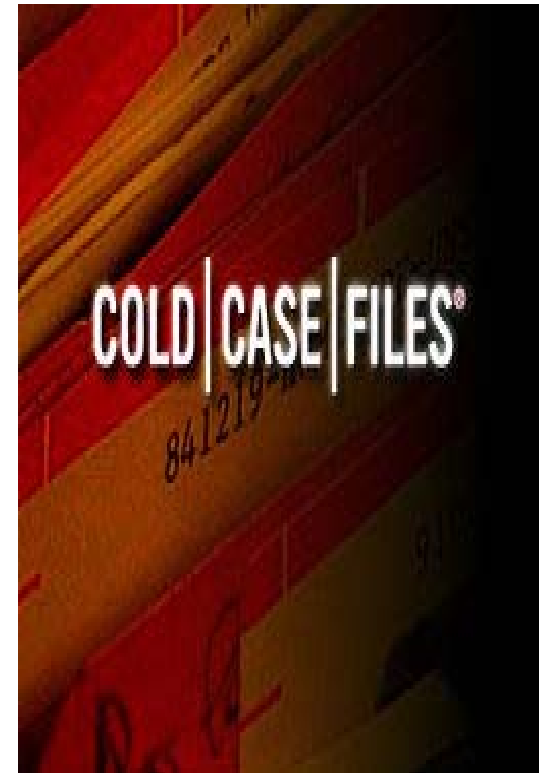


# Few dedicated “legal” archives

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

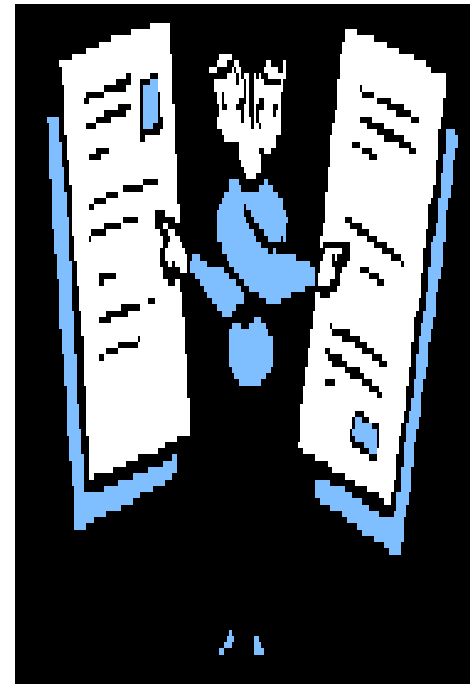
Other than the Records of Legal  
Education Archives at IALS...and the  
business records of, eg, The Law  
Society, the Inns of Court

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



# Too many legacy records to cope with....

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 warehouse unless it can find a cost-effective way to a) establish which records are of research value and b) liaise regularly with willing repositories





# Digital obsolescence...

All institutions face the issue of digital obsolescence.

Without pro-active records management by the information owners from the point of creation to disposal how many records will survive as evidence?



# Lack of interest...

We have contacted 10 major London Law Firms (twice), plus 36 other legal institutions..

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

Auctioning of legal records;  
confidential records dumped in  
skips...does anybody care?



# 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 (other than deeds) readily available, leading to.....
- ....A government-centric view of the history and development of the UK's legal framework and its impact on social and cultural change.



# What are we doing about all this?

- Publishing case studies/examples of best or worst practice
- Holding seminars on, eg, the business benefits of good records management; how confidentiality and access can be managed etc
- Working with the research community to identify their needs plus gaps in provision

And..

# Working with legal organisations

- Demonstrating the ROI and reputational benefits of good IRM and archiving
- Lobbying legal organisations to manage their records efficiently by employing records managers/archivists

And....



# Working with archives and related organisations

- Working with TNA and other archives to develop a strategy to rescue private sector records at risk
- With the BRA, developing a process and standard forms to broker deposit of private sector records with archives



# What's in it for legal bodies?

- Cost savings: archives don't charge (yet!) for preserving records of value
- Great PR: demonstrating how they have protected the rights of the public - and of the legal profession - and are continuing to do so
- Transparency: helping to get rid of the perceived culture of secrecy around the workings of the legal profession

# What's in it for archives?

- Cost savings: records listed by professionals before transfer; financial contributions by depositors
- Efficiency savings: using standard forms like deposit agreements will save time
- Collections more representative of, eg, local community; specialist interests



# A broader contribution to history

- Documenting the development of an important service industry
- Documenting the development of the legal profession
- Records relevant to significant legal, political and social changes
- Contributions to social, legal, geographic, economic and family history

# Conclusions and next steps

Planning for the future:

- A records rescue service comprising representatives from TNA, BRA, BAC, CALGG etc to save private sector records in general?
- A Legal Archives Trust funded by the legal profession to rescue legal records in particular?



<http://ials.sas.ac.uk/research/areas-research/legal-records-risk-lrar-project>

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