

## Information as an asset: the business benefits to providers of legal services of preserving records



### THE LEGAL RECORDS AT RISK PROJECT

Project patrons: William Twining, Professor of Jurisprudence Emeritus, UCL and Avrom Sherr, Emeritus Professor, IALS  
<http://ials.sas.ac.uk/research/areas-research/legal-records-risk-lrar-project>

The second Legal Records at Risk seminar, Institute of Advanced Legal Studies (IALS) Conference Room, 23 November 2016 2-5.30 pm.

The 2004 Clementi report: *Review of the regulatory framework for legal services in England and Wales* suggested that it was time for the providers of legal services to act in a more business-like way: “Research shows that complaints arise as much from poor business service as from poor legal advice... In developing business systems to minimise costs whilst maintaining high standards, there is no reason why lawyers should not work alongside those with other skills, for example in finance or IT”. To this the Legal Records at Risk project adds information management, which includes the preservation of records of value.

Recent developments (changes to legal services; globalisation; digital obsolescence) have transformed our legal framework, yet no concerted effort has as yet been made to protect and preserve private sector records which document these changes. The Legal Records at Risk project, led by IALS and working in collaboration with the legal profession, the research community and archives, including The National Archives and the British Records Association, seeks to develop a national strategy to identify and preserve our legal heritage and to save modern (20<sup>th</sup> and 21<sup>st</sup> century) private sector legal records in the UK that may be at risk.

What are the specific benefits to institutions specialized to law of managing their records effectively and preserving those of value for internal and external research? Here are just a few which will be explored in this seminar, along with suggestions as to how they can be achieved:

- cost and efficiency savings
- business continuity
- improved client confidence
- service to justice
- enhanced reputation
- community engagement

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### Agenda:

Chair: Jules Winterton, IALS Director

1.30-2.00	Arrival and refreshments	
2.00-2.10	Welcome and introductions	Jules Winterton, IALS Director
2.10-2.20	Seminar introduction: are legal records an asset or a liability?	Clare Cowling, Director, Legal Records at Risk project
2.20-2.40	The value of preserving legal records: the historian's perspective	Judy Slinn, Business Historian
2.40-3.00	Hidden gems or skeletons in cupboards? Making the most of business archives	Maria Sienkiewicz, Barclays Group Archivist
3.00-3.30	Discussion: do the business benefits of preserving legal records outweigh the risks?	All
3.30-3.50	Refreshment break	
3.50-4.10	From 'big boxes' to digitisation: the business benefits of employing a professional archivist at a Law Firm	Emma Ferguson, Head Archivist/Records Manager, Chadwick Lawrence LLP
4.10-4.30	Benefits, challenges and opportunities: the Pensions Archive Trust	Jane Marshall, Solicitor, Jane Marshall Consulting LLP
4.30-5.15	Discussion: does the benefit to legal entities of investing in archival provision for records outweigh the effort involved?	All
5.15-5.30	Conclusions and next steps: a plan for the future or carry on as usual?	Clare Cowling

## Seminar speakers

**Judy Slinn** read PPE at St Anne's College, Oxford. Since then she has researched and written about many aspects of business across a wide range of manufacturing and service industries in the UK, Europe and North America. She has written the histories of several of London's international law firms, including Freshfields, Linklaters, Clifford Chance, Ashursts and, most recently, the firm that is now Hogan Lovells. Over the last decade her research focused on innovation and globalisation in the pharmaceutical industry and, more recently on corporate governance, the latter resulting in the publication (with Laura Spira) of *The Cadbury Committee A history* (OUP 2013). Until retirement she was Reader in Business History at the Oxford Brookes University Business School. She continues as an associate editor and writer for the *New Oxford Dictionary of National Biography* as she has been since its inception.

**Maria Sienkiewicz** qualified as an archivist in 1996, and spent eight years working in archives, libraries and museums in the public sector, before moving to Barclays as Group Archivist in 2004. Based in Manchester, Maria reports to the Company Secretary, and leads a team of four staff, who are responsible for the management of those records the Bank wishes to keep permanently. The archives comprise both hard copy and digital records, and are used by a wide variety of Barclays business units around the world. The archives are also available for use by the public.

**Emma Ferguson** has worked in the Archives and Records Management profession since 2007 in a number of different sectors. Emma graduated from The University of Manchester in 2005 with a 2:1 in English and History (BA Hons) and following this she volunteered in the Archives and Special Collections department at the John Rylands University Library, Manchester. She was a Graduate Trainee in Archives and Library studies at The John Rylands Library in 2008 and then successfully gained a place on a Masters degree in Archives and Records Management at the University of Liverpool, graduating in 2010. Her first post-qualification position was at the General Medical Council in a short term contract as Records Officer. Emma was then offered the position of Archivist at Chadwick Lawrence Solicitors LLP, based in West Yorkshire, in 2011 and was promoted to Head Archivist in 2012, where she still currently works.

**Jane Marshall** was admitted as a solicitor in 1978 and following a period working abroad has spent her professional career in the City. She specialises in corporate pensions law and has been involved in a wide variety of work both contentious and non-contentious, ranging from international, privatisation and public sector work to public takeovers and regulatory disputes. A founder member of the Association of Pension Lawyers, she was a partner in a boutique pensions firm and a large national firm before becoming a partner of Macfarlanes LLP. Following her retirement from full time practice in 2014 she now runs her own consulting firm. She is a Court member of the University of Dundee and a Liveryman of the Worshipful Company of Glovers of London. An author and speaker on pensions matters, with a particular interest in funding, regulatory and governance issues, she became a director of the Pensions Archive Trust in 2015. Married with four children, Jane's interests include gardening and military history.

## Seminar attendees

<b>Name</b>	<b>Job title</b>	<b>Organisation</b>
Penny Baker	Chair, Records Preservation Section	British Records Association
Sarah Cates	Information Governance and Records Manager	Middle Temple
Sue Chandler	Consumer Engagement and Policy Officer	Chartered Institute of Legal Executives (CILEx) Regulation
Alexandra Chapman	Development Officer	University of London
Nellie Cosmetatou	Development Manager, Vice-Chancellor's Department	University of London
Clare Cowling	Director, Legal Records at Risk project	IALS
Emma Ferguson	Head Archivist and Records Manager	Chadwick Lawrence LLP
Christopher Francis	Assistant Manager, Document Services	Allen & Overy LLP
Clive Freedman	Barrister	3VB, Barristers, Grey's Inn
Stina Hjort	Representing SRA General Counsel	Solicitors' Regulation Authority
Nicholas Le Poidevin QC	Barrister	New Square Chambers
Julie McLeod	Professor in Records Management	University of Northumbria
Lawrence McNamara	Deputy Director & Senior Research Fellow	Bingham Centre for the Rule of Law, British Institute of International and Comparative Law, IALS
Jane Marshall	Solicitor and Director of Pensions Archive Trust	Jane Marshall Consulting LLP
Robin Scally	Reprographics and Admin Services Manager	Freshfields Bruckhaus Deringer LLP
Alan Shipman	Director	Group 5 Training Limited
Maria Sienkiewicz	Barclays Group Archivist	Barclays Group
Judy Slinn	Business Historian	Self employed
Fleur Soper	Collection Development Manager, Archives Sector Development	The National Archives
Dunstan Speight	Librarian	Lincoln's Inn Library

<b>Name</b>	<b>Job title</b>	<b>Organisation</b>
Richard Thomas CBE	Global Strategy Advisor, Centre for Information Policy Leadership	Hunton & Williams LLP
Simon Thomson	Information and Intelligence Officer	Council for Licensed Conveyancers
William Twining	Quain Professor of Jurisprudence Emeritus at UCL	University College London
Jane Winters	Professor of Digital History and Head of Publications	Institute of Historical Research
Jules Winterton	Director and Librarian	IALS

Apologies:

<b>Name</b>	<b>Job title</b>	<b>Organisation</b>
Margaret Clay	Librarian and Keeper of Manuscripts	Inner Temple Library
Dominique Conteh	Policy Officer	Council for Licensed Conveyancers (CLC)
Alan Herbert	Chair, Pensions Archive Trust	Pensions Archive Trust
Michael Lobban	Professor of Legal History and Secretary of the Selden Society	London School of Economics
Jackie Marfleet	Senate House Librarian	University of London
Linda Mulcahy	Professor of Law	London School of Economics
Renato Nazzini	Professor of Law and Director of Research of the Centre of Construction Law and Dispute Resolution	Kings College London
Juliet Oliver	General Counsel	Solicitors Regulation Authority
Martin Partington	Emeritus Professor of Law	University of Bristol
Celia Pilkington	Archivist	Inner Temple Archives
Timothy Pitt-Payne QC	Barrister	II KBW
Michael Reynolds	Arbitrator	Centre for Socio-Legal Studies, University of Oxford
Avrom Sherr	Emeritus Professor	IALS
David Thomas	Visiting Professor at Northumbria University	Northumbria University
Stephen Ward	External Relations Director	Council for Licensed Conveyancers
Lesley Whitelaw	Middle Temple Archivist	Middle Temple
Richard Wiltshire	Senior Archivist – Business Archives	London Metropolitan Archives

## Current guidance available to the legal profession on managing and disposing of records

Below is a limited selection of record keeping advice specifically aimed at providers of legal services. A more comprehensive guide to such advice is in preparation.

It is recommended that legal entities also familiarise themselves with the detailed and comprehensive guidance offered by The National Archives:

<http://www.nationalarchives.gov.uk/information-management/>

**Arbitrators and mediators:** the guidance below primarily deals with confidentiality, but also advises that records should be destroyed or returned to the parties following a decision.

- International Court of Arbitration: the [ICC Rules of Arbitration](#) Article 1: Confidentiality
- Chartered Institute of Arbitrators (CIARB): [Practice guideline 1: Confidentiality in mediation](#)

**Barristers:** the Bar Standards Board [Handbook](#) recommends that a record keeping policy be drawn up to identify compliance and records retention requirements.

**Licensed Conveyancers:** the Council for Licensed Conveyancers' [Handbook](#) advises on maintenance of proper records, compliance and retention of financial records.

**Solicitors:** The Law Society provides a great deal of good advice on managing records, including the following Practice Notes:

- [Depositing records and documents with public sector archives](#)
- [Retention of wills and probate practice note](#)
- [Retention of trusts practice note](#)
- [Information security](#)
- [Business continuity](#)
- [Data protection](#)
- [File closure management](#)

The Solicitors' Regulation Authority gives advice on good business practice, confidentiality and record keeping in the following:

- [SRA Code of Conduct 2011](#)
- [SRA Handbook](#)
- [Closing down your practice: regulatory requirements](#)

Lexis Nexis provides comprehensive guidance on managing records in the following document:

- [Records Management: Current Issues in Retention, Destruction, and E-Discovery](#)

Is this good advice being followed?

## Sample records of potential research value held by providers of legal services

Category	Records of potential research value (samples only)
Client management	<ul style="list-style-type: none"> <li>• Policy and procedures</li> <li>• Client documents: deeds, wills etc*</li> <li>• Case files+</li> </ul>
Corporate management	<ul style="list-style-type: none"> <li>• Minutes of meetings</li> <li>• Annual Report and Accounts</li> <li>• Business plans</li> <li>• Organisation charts</li> <li>• Published biographies eg of partners, members</li> </ul>
External relations management	<ul style="list-style-type: none"> <li>• Design and control of corporate identity</li> <li>• Consultation papers</li> <li>• Seminars and conventions organised by the organisation</li> <li>• Published material (retain one copy only)</li> <li>• Websites (retain regular snapshots)</li> </ul>
Finance	<ul style="list-style-type: none"> <li>• Fees books</li> </ul>
Governance	<ul style="list-style-type: none"> <li>• Regulations and rules</li> <li>• Registers of interests</li> <li>• Directories of members/partners</li> <li>• Documentation of legal framework</li> <li>• Partnership regulations and rules</li> <li>• Certificate of incorporation or registration as a company</li> <li>• Memorandum and articles of association</li> <li>• Incorporation as a limited company</li> </ul>
Procedures and policies	<ul style="list-style-type: none"> <li>• Policy and strategy documents</li> <li>• Standards</li> <li>• Procedures</li> <li>• Handbooks</li> <li>• Best practice guidance notes</li> </ul>
Training and education	<ul style="list-style-type: none"> <li>• Policy files</li> </ul>

\* Should be returned to client on termination of relationship. If this is not possible could be offered to a local archives.

+Though selected case files could well be of considerable research interest, confidentiality guarantees made to clients often preclude any consideration by the information owners of making them accessible for research, even in the very long term. If archivists and researchers are concerned by this and wish for such records to be preserved solutions such as anonymisation or lengthy closure periods (100 years plus) could be recommended.

## Success stories: private sector legal records which have been saved for research in archives

Source: primarily The National Archives' [Discovery](#) portal.

### Archives of legal entities

This list does not include records of the large number of government and quasi-government legal bodies held in TNA.

Legal entity	Archival repository
Association of Law Teachers	Records of Legal Education Archives
Board of Conciliation and Arbitration for the Boot and Shoe Trade of Leicester	Record Office for Leicestershire, Leicester and Rutland
Board of Conciliation and Arbitration for the Iron and Steel Trades of the North of England	Teesside Archives
Brighton Law Centre	East Sussex Record Office
British Institute of Human Rights	Kings College London Archives
British Maritime Law Association	University College London Special Collections
Committee of Heads of University Law Schools	Records of Legal Education Archives
Commonwealth Legal Education Association	Records of Legal Education Archives
Commonwealth Legal Records Project	Records of Legal Education Archives
Council of Legal Education	Records of Legal Education Archives
Ede & Ravenscroft	In-house archives
Faculty Office	In-house archives
General Council of the Bar	Records of Legal Education Archives and Middle Temple Archives
Grey's Inn	In-house archives
Hinckley and District Boot and Shoe Arbitration Board	Record Office for Leicestershire, Leicester and Rutland
Howard League for Penal Reform	Warwick University: Modern Records Centre
Human Rights Society	In-house archives
Inner Temple	In-house archives
Institute and Faculty of Actuaries	In-house archives
International Association of Law Libraries	Records of Legal Education Archives
International Law Association	Records of Legal Education Archives
International Law Association	Records of Legal Education Archives
Lambeth Mediation Service	Lambeth Archives
Law Centres Network	In-house archives
The Law Society	In-house archives
Legal Action Group	In-house archives

<b>Legal entity</b>	<b>Archival repository</b>
Legal Skills Research Group	Records of Legal Education Archives
Leicestershire and Rutland Board of Conciliation and Arbitration for the Boot and Shoe Trade	Record Office for Leicestershire, Leicester and Rutland
Lexis Nexis Butterworths	In-house archives
Lincoln's Inn	In-house archives
London Court of Arbitration	London Metropolitan Archives
Mediation UK	London University: London School of Economics Library, Archives and Special Collections
Middle Temple	In-house archives
National Family Mediation	London University: London School of Economics Library, Archives and Special Collections
New Inn	Middle Temple Archives
Records of Legal Education Project	Records of Legal Education Archives
Royal Institution of Chartered Surveyors	City of Westminster Archives
Shoe Trade Board of Arbitration	Northamptonshire Record Office
Society for Advanced Legal Studies	Records of Legal Education Archives
Society of Public Teachers of Law (now Society of Legal Scholars)	Records of Legal Education Archives
Society of Scrivener Notaries	London Metropolitan Archives
Socio-Legal Studies Association	Records of Legal Education Archives
South Manchester Law Centre	Manchester Archives and Local Studies
United Kingdom National Committee of Comparative Law	Records of Legal Education Archives
Wolverhampton Law Centre	Wolverhampton Archives and Local Studies

### **Arbitrators' records in archives (C20-C21)**

Most arbitrators' records will be found within the business records of the organisations to which they provided services, and must therefore be searched for under their individual names or other occupations (eg as judges). Only 4 discrete collections of "arbitrators" records as such for this period were found using [Discovery](#):

<b>Name</b>	<b>Records</b>	<b>Archive repository</b>
Edwards, Leslie (b 1945), engineer and arbitrator	1975-1978: papers rel to the construction of Marsa shipyard at Malta	Institution of Civil Engineers

Name	Records	Archive repository
Fry, Sir Edward (1827-1918), Knight, judge, arbitrator and zoologist	<ol style="list-style-type: none"> <li>1. family corresp</li> <li>2. 1834-1935: personal and family corresp</li> <li>3. 1895-1901: diaries of prison visits</li> </ol>	<ol style="list-style-type: none"> <li>1. Cambridge University: King's College Archive Centre</li> <li>2. Cambridge University Library: Department of Manuscripts and University Archives</li> <li>3. Warwick University: Modern Records Centre</li> </ol>
Guillebaud, Claude William (1890-1971), economist and arbitrator	1927-1972: personal papers and corresp	Cambridge University: St John's College Library
Marsh, Arthur (1922-1999), academic and industrial arbitrator	c1960-1991: papers rel to work as industrial arbitrator	Warwick University: Modern Records Centre

#### **Barristers' records in archives (C20-C21):**

As with arbitrators, most barristers' records will be found within the business records of the organisations to which they provided services, and must therefore be searched for under their individual names or subsequent occupations. Only 4 discrete collections of barristers' business records for this period were found using [Discovery](#):

Name	Records	Archive repository
Bagge family, barristers	Fee books, 1900-1923	Norfolk Record Office
Adrian Herbert Head, barrister and Norfolk circuit judge	Notes and case papers relating to his legal practice and as a circuit judge, 1951-1955	Norfolk Record Office
JJ Somerville, barrister	Diaries, ledgers and cash account books, 1930-1967	Lancashire Archives
JC Whitebrook, barrister, Lincolns Inn	Correspondence and papers, C20	Camden Local Studies and Archives Centre

#### **Solicitors' records in archives (C20-C21)**

For this period, [Discovery](#) lists 1,500 collections of records of individual solicitors and law firms available for research in local archives in England and Wales. The collections mostly comprise "clients' papers" – deeds, leases and other property or probate documents originally belonging to clients, but there are also some business records. No "client case files" were located in the course of this search.

The London Metropolitan Archives in particular holds many collections of solicitors' business records; some sample entries are listed below.

Firm	Records
Ashurst Morris Crisp, solicitors	Records including accounts, correspondence, copy-out letters, photographs, plans and deeds, 1685-1999
Chamberlayne, AR, Solicitor	Office books, accounts and miscellaneous papers, 1853-1924
Collyer-Bristow and Company, Solicitors	Company and client administration records, 1781-1975
Gilbert Samuel & Co, solicitors	General ledgers and cash journals, 1902-1971
Maude & Tunnicliffe, solicitors	Business records, C19-C20
Warrens, Solicitors	Letter books, bills books, manor books and ledgers, 1774-1930
Woodbridge and Sons, Solicitors, Uxbridge	Family, business and clients' papers, 1636-1953

## Not so successful stories: auctioning of legal records and other tales of woe...

Below is a sample of “solicitors’ papers” offered at public auction, courtesy of The National Archives’ (TNA) manuscript Sales Monitoring Service. TNA keeps an eye on all auctions and notifies the relevant record office when something comes up in which the record office might be interested. The record office will then bid, but only if it has sufficient funds or time to apply for a grant before the auction. For an advertisement of a current sale see <https://www.the-saleroom.com/en-gb/auction-catalogues/lloyd-cameron-and-partners/catalogue-id-srtheau10073/lot-b1afc31d-65ca-4b08-8389-a6be00e5deb1>

199: solicitors bill book, Chard, Somerset., 1802-1809
164: Cheltenham Solicitor Clerks day book, 1832-1834
116: Cheltenham solicitors: letter book, 1839-1846
134: Solicitor's bill book of John Reed Clarke, Chard area, 1802-1809
86: Cheltenham solicitor's bill book (prob TV Banner), 1827-1830
74: London lawyer's bill book, 1786-1809
74: Warwickshire solicitor's notebook, 1700-1800
457: Account book of Roberts & Carter, solicitors, Barnstaple, 1834-1837
131: Banner, Thomas Vaughan, solicitor, Cheltenham: bill book, 1827-1830
166: John Reed Clarke, solicitors, Chard: bill book and index of clients, 1802-1809
28: Hall, Robert, lawyer: ms legal commonplace book, 1713
486: Legal case notebook, 1824
147: Solicitors ledgers for firm (Francillon and Willott?) in Dursley, Glos listing clients and cases, 1868-1915
109: Lewis & Lewis solicitors of Ely Place corresp including blackmail letters and details of payments relating to royal, noble and celebrity scandals (Quantity not given), 1800-1950
320463130450: Thorp & Dickson solicitors Alnwick legal papers (15 bundles), 1800-1850
320463132564: Legal papers of Robert Thorp, Nortumberland rel to Foster v Burrell, 1810-1820
128: Forster, solicitor of Aylsham, client corresp (several hundred items), 1883-1886
136: Wymondham legal corresp, files, lunatic asylum papers, court papers, 1800-1950
138: Bodenham & James, solicitors Hereford, letters received (100), 1860-1869

## **Comments from five local record office archivists on deposits of solicitors' records, 2015-2016**

### **Information not seen as an asset?**

“We would actually find it impossible to take a large collection these days as we have no room and because they are generally a terrible mess they take a huge amount of resources to make them usable...we do worry that many important documents are being destroyed particularly as land is registered and deeds are destroyed. Of course there are issues with preserving client files for historical purposes as I doubt any clients have given their consent to that and there are issues with solicitors not understanding the ownership of the material that they send us. The general attitude seems to be we don't want this you can have it if you want as a gift without them understanding it is not their property and therefore we can only take it on deposit in case the owner turns up and claims it. It is increasingly difficult for us to keep track of who are the current firms responsible for our older deposits as firms merge and change and as far as I am aware no firm has contacted us about the material they have deposited with us since the moment it left their premises so I think you can safely say that they do not consider them an asset to the firm and feel no link to them once they believe the file closed”.

### **Confidentiality issues?**

“There was one notable disaster in acquisition which was when a large collection was accepted unconditionally and was found to contain masses of rather uninteresting and fairly recent (e.g. still subject to DPA) records. It appears we can't give them back, we can't sample or destroy them, the firm has never requested anything back - and they've never been catalogued. I suspect the more general problem is just a simple lack of historical awareness by lawyers. I wonder how you could make reading that nice practice note<sup>1</sup> compulsory? I think you may also be right in believing there may be confidentiality issues – perhaps solicitors don't understand that archivists deal with DP and other aspects of record security all the time. I suppose the most basic aspect of all this is that everyone is so busy – the preservation of [records] totally peripheral to the work of the lawyers. Other than by making an archival element to the CPD points system (perhaps it could be part of a wider record-keeping agenda?) I'm not sure how best to go about changing the status quo.”

### **Problems with client files?**

“I was appointed in January 2015 to complete.....an 18 month National Cataloguing Grants funded project to catalogue the records of a historic law firm. This included a large accession (383 boxes) made in 1998 consisting mostly of client papers. Due to the time constraints, there was not time to catalogue in great detail (although this would not have been desirable in

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<sup>1</sup> The Law Society's Practice Note: [Depositing records and documents with public sector archives](#), 15 December 2010

hindsight) and the project was designed to include a significant contribution from volunteers. The approach that was adopted was that it was not appropriate for volunteers to work with client papers so they were directed towards deeds and sale particulars while I catalogued the client papers. This work was completed with the Data Protection Act in mind but with a broad intention to make the records as accessible as possible...Because of how concerned the firm were about client confidentiality, the partners were invited to look at the catalogue to agree access restrictions. The result is that on one of the catalogues, clients papers dated 1900 or later may only be accessed with permission of the firm...There were two separate concerns from the firm a) complaint to legal ombudsman for breach of confidentiality from the descendent of a client and b) bad publicity from the impression that they would advise clients then make details public later on. We have since been offered additional deposits from the firm, but declined to collect additional client papers”.

### **Taking advantage of the taxpayer?**

“In my experience:

- Solicitors have extremely poor record keeping as far as older client records are concerned – the records can be kept in appalling conditions and in a state of disorder
- They don’t recognise the ongoing historic value of what they hold and may therefore destroy records
- As an alternative to destruction, they are often happy to deposit with the local record office, but at no cost to themselves. This means that the financial burden falls to the record office (usually the local authority) to assess, transport, list, package and repair the documents – with the solicitors often imposing timescales for removal of the records at entirely their own convenience! As you cannot fail to be aware, local authority budgets are shrinking, and it is no longer appropriate to expect the taxpayer to cover the cost of solicitors’ own neglect of their duty to their clients and their clients’ records.

You can probably tell that I’m a bit fed up about all this. For example, we have a collection of over 600 boxes from one solicitor’s firm, which has arrived in a disorganised state over several decades, which is unlisted and some of which has suffered terribly from damp and dirt. One of the clients of this firm (the owner of a landed estate) is trying to access his own legal documents from this collection and has been trying to do so for several years; the solicitors firm themselves takes no responsibility and it falls to us to try and find, within these 600 boxes, the records that might relate to his estate. If I were him, I would be tempted to sue the solicitors for their neglect of his records. The problem we have is that when it comes to the crunch, much though we would like to refuse collections like this, we know that if we don’t accept them, the firm will throw them into a skip”.

### **Lack of knowledge about how to manage records?**

“I was hired to organise the dreadful filing of one very busy solicitor, but also spent two solid months reorganising 800 boxes of closed files into a retention order. These boxes had been sent to external storage three years previously following a flood in the partner’s basement where they had been kept. Many were flood damaged – little attempt had been made to

conserve them. They weren't in any real order and there was no way, prior to my project, to know when files were ready to be destroyed. Whilst carrying out this project, I also looked into records management and archiving processes at the firm and found that it was a very confused situation. For example, they had two different retention schedules that no one really knew about and didn't seem to have a great understanding of how to use their external storage. All in all, this firm seemed to have a desire to improve their records management and archiving – for example, they had relatively recently appointed one of their receptionists to manage the closing of files and were pleased to be able to use me for the box reorganisation project. However, it appeared that records management was always going to take a back seat to their other activities, and while they may have liked things to be better, they didn't know how to go about it easily, especially since they were very busy. During my time there, I tried to find as much guidance as possible about managing legal records, but found that there was very little”.



Or maybe it's in here...photograph courtesy of Derbyshire Record Office

