

Preserving the Legal Past: the Work of the British Records Association

Abstract: This article by Dr Anthony Smith describes how the British Records Association can help legal information professionals and the legal profession generally to conserve old legal records of both law firms themselves and of their clients. He also describes the activities and publications of the Association.

Keywords: professional organisations; records management; legal sources

Introduction

The British Records Association (www.britishrecordsassociation.org.uk), which was founded in 1932, is a charity that exists to encourage and assist the preservation, care, use and publication of historical records. Its members include owners, custodians and users of archives in general as well as professional archivists and historians of all kinds.

From its foundation, the Association has had an enduring relationship with legal firms, especially those in the London area, through the activities of its Records Preservation Section. The main purpose of the Records Preservation Section of the Association is to facilitate the transfer of historical records to suitable places of deposit when their owners or custodians are no longer able, or willing, to retain them. We have premises at Finsbury Library in London in which we are able to store records temporarily whilst we determine which record office or other suitable location is both appropriate for them and willing to receive them. The underlying aim is to provide a mechanism whereby we can ensure that papers of historical importance are preserved for the future, rather than lost or destroyed when those responsible for their custody cease to look after them.

Over the years large quantities of records have been transferred in this way. During the “heroic” period of the Records Preservation Section in the Second World War, important archives were on occasions rescued from bomb damaged offices and many more archives have been transferred to places of safety since 1945. But numerous historical records still remain with existing firms and threats to them, though of a far less dramatic nature than acts of war, endure also. Moments of particular risk for historical records can occur with the closure or merger of firms, with a move to new offices or where there is mounting pressure in an office on the limited available accommodation for the staff, when it comes to seem a luxury to dedicate space to the storage of old papers that might appear to some to be of doubtful

relevance to current business needs. Sadly, ignorance of the value of old records for the future study of history is sometimes a threat to the actual survival of important archives, even nowadays.

In more favourable situations, where there is no pressing threat to archives through lack of storage space or due care, it may nevertheless be the case that conditions are not ideal for permanent preservation. Records benefit most from being kept in a secure, controlled environment and cared for by a competent archivist who can ensure that storage, listing and handling of the unique historical material is undertaken in accordance with the relevant professional standards and guidelines, such as British Standard BS 5454 concerning the storage and exhibition of documents. While many firms have records managers, who do an excellent job of making certain that current and semi-current records are properly arranged and managed, it is unusual for legal firms to employ an archivist. In its work of transferring historical archives and documents, the British Records Association is always careful to make sure that the transferred material is sent to record offices and libraries that are able to provide the good standards of storage, preservation and care that are desirable.

Law firm records

The historical records typically kept by legal firms consist mainly of two types. Firstly, there are the records of the firm itself, which are likely to include meeting minutes, fee books, accounts, business correspondence, deeds, plans and papers relating to premises and employment and staff records, as well as a diversity of other material. These records, which document the activities of the firm, constitute the firm’s own archive and are the property of the firm. On the other hand, law firms may well amass quantities of clients’ papers in the normal course of work. In some circumstances, for instance when the firm has represented several generations of a particular propertied family, these papers may represent substantial

accumulations of deeds, legal, financial and estate papers of the individuals or families concerned and in some instances such records may be several centuries old. Clients' papers belong not to the firm that holds them, but to the client or the client's legal representatives; a firm cannot simply dispose of these papers at will and, if it cannot return them to their owner, it will find it necessary to take steps to ensure their preservation so that its responsibility to the records is properly discharged.

Both the records of firms themselves and the clients' papers that they retain are very likely to be of considerable scholarly value for historians and others with an interest in the study of the past. The former will be of utility to business historians and historians of the legal profession. Clients' papers can throw important light on the history of particular places and families and can contribute to the study of economic, social, political and local history. Clients' papers of a particular propertied family may well be closely related in an archival sense to associated groups of that family's papers surviving elsewhere; they may form part of a wider web of archives worthy of study by researchers interested in that individual family and its activities in the past. Hence historical papers of these kinds are certainly worth taking the trouble to preserve.

One of the key aims of the British Records Association is to give assistance to legal firms and practitioners faced with making decisions about the future of historical records in their custody, whether they are the records of the business itself or the accumulated papers of clients. The Association has storage space and can remove records from premises at short notice; it is able to arrange for them to be distributed to record offices and libraries in which they will be suitably preserved. Records owned by the firm may, if so wished, be given as a gift or deposited on loan; clients' papers cannot be given as a gift but must be deposited on loan. The deposit of clients' papers means that, if necessary, they can be retrieved and returned to their rightful owners should the owners be identified. Concern is from time to time understandably expressed about confidential material amongst the records in question but this need not be an obstacle to gift or deposit with record offices and libraries via the Association. If necessary, confidential material may be withheld or it can be deposited subject to appropriate closure periods, which can be the subject of review from time to time.

Over and above this role, the Association offers further services of potential usefulness to custodians of historical records in legal firms. For instance, we are very happy to make visits in order to advise on the storage, care, preservation, conservation and listing of historical records retained by a firm, as well as on where records might be deposited and we are pleased to facilitate contact with record offices and libraries. A visit would normally be followed as a matter of course by a short report and letter of advice. We are always glad to act as

intermediaries in helping firms obtain specialised advice from others, for instance on specific conservation matters or on issues connected with records management and digital archives. We are pleased that the Law Society, which itself receives some enquiries from legal practitioners about the management and preservation of legal records, is happy to recommend us as a potential source of advice and support.

Although we have a long history of contact with London legal firms, our work is not concentrated solely on records from this source: amongst many recent cases involving other types of material, we have just completed a project to deposit the huge archive of the architectural firm Carden & Godfrey and we have assisted Sir Roy Strong to find a suitable home at the Bodleian Library, Oxford, for an extensive and important collection of family papers of the historian Sir Charles Oman, which had descended to him.

Since we are a charity committed to our core aims of the preservation and understanding of historical records, the services that we offer come free of charge, and we hope that this fact provides an added incentive for potential clients to contact us. Having said that, we do exist on the proverbial 'shoestring', so offers of support, whether financial or in kind, are always welcomed, as these contribute to meeting the costs we incur in doing our work.

Other activities

Readers might be interested to hear something about our wider range of activities. The Association organises an annual conference on an archival theme and our next meeting in December 2010 will examine *The Philanthropy Files: Records of Charities and Their Uses*. We also offer training days, of which the most recent was at the University of London's Institute of Historical Research on the research value of twentieth century deeds, a class of historical record that is frequently treated most casually by owners, custodians and archivists at present. A Newsletter is issued regularly and a scholarly journal *Archives*, containing articles, reviews and news, appears twice a year. Specific topics are dealt with in our series of occasional publications. The *Archives and the User* series is made up of short introductions to particular types of historical source material, of which the two most recent are NW Alcock's *Documenting the History of Houses* (2003) and Elizabeth A. New's *Seals and Sealing Practices* (2010). The *Guidelines* series of pamphlets provides guidance on practical issues, such as those outlined in *Deposit Your Own Deeds – And Help Preserve Our Archival Heritage* or in *Sale of Pre-registration Deeds by Solicitors and Others*, which are two of a number of similar advisory publications in the series that are also available online through the Association's website. The Association acts as a lobbying or pressure group from time to time, by seeking to

prevent the unwarranted or thoughtless destruction, sale or dispersal of historical papers, by speaking up for archival services under threat from financial cuts and by promoting an understanding and appreciation of the value of historical archives. We are currently undertaking a major study of contemporary risks to the survival of archives that will be summarised in a report to be published in 2011. We hope this report will encourage widespread

discussion, and action, amongst the archival sector and those with responsibility for its funding and organisation.

Further enquiries about the British Records Association and requests for advice with regard to archival matters may be addressed to Ms Gill Disley, British Records Association, Finsbury Library, 245 St John Street, London EC1V 4NB (telephone 020 8833 0428; email brrecass@btconnect.com).

Biography

Dr Anthony Smith is the chair of the Records Preservation Section of the British Records Association.

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Cross Currents: Charting our Future ... The Second Joint ALLA/NZLLA Conference, 2010

Abstract: Rosemary Shakespeare attended the 2nd Joint ALLA/NZLLA Conference. Her interest was primarily in those sessions with a worldwide focus, rather than specifically the Australasia region and this article is about digitisation projects, with particular emphasis on the Law Library Microform Consortium's work.

Keywords: Digitisation; legal research; preservation; legal publishing

Introduction

The 2nd Joint ALLA/NZLLA (Australian Law Librarians Association/New Zealand Law Librarians Association) Conference was held in Melbourne, Australia in September/October 2010. The theme of the conference was *Cross Currents: Charting our Future ...*. The name of the Conference was intended to represent the water separating, and at the same time uniting, Australia, New Zealand, the Asia-Pacific region and other countries bordering the Pacific such as the United States of America. The programme included topics of interest to all sizes of law libraries, from emerging technology, to

professional trends, to the development of law publishing – in particular the proliferation of online access to legal sources to the possible detriment of hard copy publishing and, above all, the future of libraries of all sizes, from small firms and Chambers to the Inns of Court libraries, as the difficult economic climate affects library funding.

One of the plenary papers was given by Jerry Dupont, Associate Director for Content Development at the Law Library Microform Consortium (LLMC), a library cooperative that publishes thousands of legal titles in microform and digital-image format. LLMC is a non-profit cooperative of libraries dedicated to its two main goals: preserving United States legal titles and