



Preservation of Judges' Papers: Quick Guide for Chambers

1. What are judges' papers?

Judges' papers consist of the print and electronic materials generated by a judge in the course of personal life, in work on other professional activities, and during the execution of office. These are apart from the documents comprising the official court record, which are filed with the clerks' offices, now through CM/ECF, and transferred to the National Archives for preservation. Examples of materials in judges' papers include print and electronic:

- Private correspondence, notes, diaries, appointment books, and calendars
- Awards, speeches, event invitations and programs
- Documents concerning participation on judicial committees or civic affairs
- Photos, scrapbooks, audio and video recordings, and memorabilia

Among the most valuable of a judge's papers are the chambers papers, which are the case-related documents that complement the official record of the court. Examples of chambers papers include print and electronic:

- Memoranda, emails, and voicemails between judges and between judges and their law clerks
- Bench memos, oral argument and conference notes
- Draft jury instructions, orders, opinions
- Letters from the public
- News articles on a case

2. Why is it important to preserve judges' papers?

Judges' papers are an invaluable primary source of information on judicial biography and court history, providing insight not otherwise available. They constitute a veritable gold mine for legal scholars, biographers, and the general public. The papers of federal judges are helpful in three contexts:

- a) **Biographical studies:** Chambers papers constitute a critical source for scholars researching a judge's background, career, and activities.
- b) **Institutional histories:** Chambers papers provide a perspective on the development and operation of a particular court.
- c) **General studies of legal history:** Chambers papers help to explain the American judicial process by broadening the record and providing insight into the judge's psyche.

3. Should a judge send his/her papers to a particular library?

Judges' papers are the personal property of the judge, so it is up to the judge to donate the papers to an archival repository of his or her choosing. While the Eighth Circuit Library manages the Court Archives documenting the history of the federal courts in the Eighth Circuit, it unfortunately does not have the space or resources to responsibly accept judges' papers collections, which can be quite voluminous. More appropriate recipients are repositories accepting papers collections. Typical choices include:

- Law schools attended
- Local manuscript repositories

For assistance in identifying likely repositories, contact the [Archives Librarian](#) (314-244-2671), [your librarian](#), or visit the [Eighth Circuit Historical Society web site](#) for a list of repositories preserving collections of Eighth Circuit federal judges' papers.

4. If a judge donates his/her papers to a repository, does that mean anybody can view and use them?

No, donating personal papers to a library does not mean anyone can view or use the documents. Usually, the donation of papers to a repository requires a deed of gift that specifies the circumstances of the transfer, including:

- Who receives the documents
- At what time
- Which conditions/restrictions apply: A judge may restrict access, for example, to the entire collection or a portion of the collection, until the judge is deceased, until a certain amount of time following death, or even until any judges who served with the donating judge (or worked on a specific case) are deceased.

5. How can chambers be sure to save judicial notes, speeches, correspondence, etc.?

It is important to discuss the topic of preservation and donation. Most judges understand the value of their personal correspondence, chambers documents, speeches, etc., and are more than willing to share these materials. Chambers staff should consider establishing a records management system early on that includes plans for noncurrent records and for saving electronic materials to facilitate the transfer of print and electronic files to a repository.

The Federal Judicial Center's [*A Guide to the Preservation of Federal Judges' Papers*](#), 3rd edition, explains what print and electronic papers to save, how to organize them, and how to select a repository, and provides sample deeds of gift and deposit agreements. The Court Administration and Case Management Committee's [Judges' Electronic Chambers Papers webpage](#) provides guidance on the identification, management, and disposition of judges' electronic chambers papers.

Judges interested in donating their papers should contact the [Archives Librarian](#) (314-244-2671), [your librarian](#), or a manuscript repository early in their career to discuss options.