

Preservation of Judges' Papers

1. What are judges' papers?

Judges' papers consist of the 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 also held by clerk's offices and transferred to the National Archives for preservation. Examples of judges' papers are:

- Private correspondence
- Notes
- Photographs and scrapbooks
- Diaries, appointment books, and calendars
- Speeches
- Awards
- Chambers staff files
- Documents concerning participation on judicial committees, civic affairs, etc.
- Invitations to professional and community events
- Other memorabilia

Among the most valuable of a judge's papers are the chambers papers, which are the case-related documents and records of court governance distinct from the official record of the court. Examples of chambers papers are:

- Memoranda between judges
- Memoranda between judges and their law clerks
- Judges' notes on oral arguments
- Draft orders and opinions
- Letters from the public
- Legal research
- News clippings of the case



The aforementioned documents are usually in paper form but they can also be in electronic format. Electronic records present specific preservation issues and concerns.

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:

- Biographical studies: Chambers papers constitute a critical source for scholars researching a judge's background, career, and activities.
- Institutional histories: Chambers papers provide a perspective on the development and operation of a particular court.
- 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 I send my judge's 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 required for judges' papers collections, which can be quite voluminous. Typical choices for repositories include:

- law schools attended
- local manuscript repositories

For assistance in identifying likely repositories, contact Archives Librarian Joan Voelker at 314-244-2671, your Branch Librarian, or visit the Eighth Circuit Historical Society web site at http://www.lb8.uscourts.gov/pubsandservices/hist_society/judges_papers.html for a list of judges in the Eighth Circuit who have donated their papers collections.

4. If my judge donates his 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: Judges may ask that their papers not be open until a specified number of years after a case is closed or stipulate that their papers be made available only upon their death.

5. How can I ensure that my judge saves his notes, speeches, correspondence, etc?

It is important to discuss the topic of preservation with your judge. Most judges understand the value of their personal correspondence, chambers documents, speeches, etc. and are more than willing to share these materials.

The Federal Judicial History Office published [A Guide to the Preservation of Federal Judges' Papers](#) in 1996. This guide explains what papers to save, how to save them, and how to select a repository and also provides sample deeds of gift and deposit agreements. It is available online at http://www.fjc.gov/library/fjc_catalog.nsf (search by title) and in print at most branch libraries.

Judges interested in donating their papers should contact their Branch Librarian or a manuscript repository early in their career on the bench to discuss options. Chambers staff should consider establishing a records management system to keep files orderly and facilitate their transfer to the repository.