



**Federal Bar
Association**

ART LAW & LITIGATION CONFERENCE

February 6, 2020

National Arts Club • New York, NY

www.fedbar.org/ArtLaw20

8:50–9:00 a.m.

Opening Remarks

9:00–10:00 a.m.

Panel I – Legal Strategies to Protect an Artist’s Market

Artists face risk—or become the subject of market speculation—when their prices rise too quickly. This panel will discuss legal strategies that artists can employ with collectors, investors, and dealers in an effort to safeguard their market. The panelists will address 1) the increasing market practice of adding provisions to invoices and purchase agreements restricting the future sale of artworks; 2) legal issues to consider when accepting amounts from third parties for the production of works; 3) working with independent artist liaisons; 4) legal issues that arise with editioned works; and 4) access to information and financial participation in secondary market transactions. The discussion will include panelists from varying legal perspectives, including the artist, the gallerist, and the collector. Attendees will learn about negotiating tactics for purchase documents, artist representation agreements with galleries, and securing the advancement of artist production costs.

- *Amelia K. Brankov, Counsel, Frankfurt Kurnit Klein & Selz PC (moderator)*
- *Kathy Battista, Program Director Emerita, MA Contemporary Art, Sotheby’s Institute of Art*
- *Melissa Passman, General Counsel, Alpine Global*
- *Yayoi Shionoiri, Executive Director, Chris Burden Estate and Nancy Rubins Studio*

Thank you to our educational partners:

**Center for Art Law
Lawyers’ Committee for Cultural Heritage Preservation**

10:15–11:15 a.m.

Panel II – The Business of Robo-Art: How AI is Changing the Way Physical and Digital Art Is Created, Traded, and Collected

New technologies are changing the art market and associated legal industry. This panel will examine legal issues surrounding the production and authentication of art with new technological innovations, as well as explore the sale of art via online platforms. Attendees will learn copyright setbacks and new techniques for protecting art in this new age of technological advancements. Industry representatives will discuss recent cases and disputes from both the European and U.S. perspective.

- *John R. Cahill, Of Counsel, Pryor Cashman LLP (moderator)*
- *Ahmed Elgammal, Artist and Professor, Department of Computer Science, Rutgers University*
- *Luke Nikas, Partner, Quinn Emanuel Urquhart & Sullivan, LLP*
- *Massimo Sterpi, Partner, Gianni, Origoni, Grippo, Cappelli Partners*

11:30 a.m.–12:30 p.m.

Panel III – Art Authentication: Legal and Conceptual Developments

Art fakes and forgeries have become increasingly prevalent in today’s legal climate. Recent cases involve uncovering and prosecuting forgers, new developments in procedures and processes to evaluate the authenticity of a work of art, legislation under consideration, approaches to contract protection for authenticators, and different approaches to defining what constitutes an authentic work of art. Speakers will address the proliferation of forgeries on the art market and new methods of assessing authentic work. Attendees can expect to learn about potential claims against authenticators and their defenses to those claims. Discussion will also unpack reasons why authenticators have ceased authenticating and measures that can be taken to protect authenticators from unfounded lawsuits.

- *Dean R. Nicyper, Partner, Withers Bergman LLP (moderator)*
- *Colette Loll, Founder and Director, Art Fraud Insights LLC*
- *Jennifer L. Mass, President, Scientific Analysis of Fine Art, LLC*
- *Amanda A. Rottermund, Associate, Withers Bergman LLP*



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12:30–2:00 p.m.

Luncheon Keynote

Rembrandt: The Bankrupt Printmaker—Insolvency and Financial Disasters Yesterday and Today

Fine art and fiduciary drama intersect in the world of Rembrandt van Rijn (1606–1669), the Dutch painter and printmaker whose life and times are an object lesson in how passion interplays with a need for sound financial planning and a good bankruptcy and estate lawyer. This keynote address will include discussion of interesting mortgages, defaults and processes, fraudulent transfers and litigation/appeals, jurisdictional issues, secret corporations to avoid creditors, and remarkable similarities between the Dutch system of the 17th century and today in the United States.

- *Hon. Scott C. Clarkson, United States Bankruptcy Judge, Central District of California, U.S. Bankruptcy Court*

2:15–3:15 p.m.

Panel IV – Current Issues in Art Valuation Cases Before U.S. Tax Court

This panel will feature a discussion of handling art valuation cases in the U.S. Tax Court. Speakers from the private and public sectors will address due diligence and best practices in submitting art appraisals to the IRS, IRS definitions for qualified appraisers and appraisals, vetting the appraiser and the report, and how to mitigate the potential for IRS challenge. Attendees will leave the panel better equipped in the use of art experts in tax cases and witness preparation.

- *John P. Barrie, Partner, Bryan Cave Leighton Paisner LLP (moderator)*
- *Cindy Charleston-Rosenberg, President and Founder, Art Appraisal Firm, LLC*
- *Keith Fogg, Clinical Professor of Law, Harvard Law School*

3:30–4:30 p.m.

Panel V – “Beauty Provoketh Thieves Sooner Than Gold”—Trends in Art Crime

Works of art are highly susceptible to forgeries and theft and to serving as vehicles of illicit funds because of their potential and variable value; the ease of transporting and liquidating them by selling to museums, auction houses, and private collectors; and the ability—especially with the advent of technology and the internet—to forge artists and styles. This panel will focus on trends in art crime over the last 20 years, including the threat and pressure on the market, types of crime and charging methods, investigation, and challenges to prosecution. The panelists will cover recent trends in types of crime and charging decisions, including a recent focus on fraud charges, and will discuss their work and experience in preventing and countering art fraud and theft from a variety of perspectives, including law enforcement, the civil sector, and academia.

- *Lindsey Lazopoulos Friedman, Assistant U.S. Attorney, Southern District of Florida, U.S. Department of Justice (moderator)*
- *Derek Fincham, Professor of Law, South Texas College of Law Houston*
- *Robert Giczy, Special Agent, Federal Bureau of Investigation*
- *Gary Stein, Partner, Schulte Roth & Zabel LLP*

4:30–5:00 p.m.

Closing Remarks

Wrap-Up of Hot Topic Art Law Issues to Watch in 2020

- *Katherine Wilson-Milne, Partner, Schindler Cohen & Hochman LLP; Co-Host of The Art Law Podcast*

Thank you to our planning committee:

**Christopher J. Alfieri, Christovich & Kearney LLP; L. Elizabeth Dale, Dunnington, Bartholow & Miller LLP;
Raymond J. Dowd, Dunnington, Bartholow & Miller LLP; Lisa F. Moore, The Moore Law Firm LLC; Dennis M. Wade, Wade Clark Mulcahy LLP**

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Register and receive a special discount on two day registration to include the Fashion Law Conference on February 7

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No refunds will be made for cancellations received after the close of business on Friday, January 17, 2020. No-shows will be billed. Substitutions may be made at any time upon written notification to the conference office. All requests for refunds must be made in writing and be addressed to Federal Bar Association, 2020 Art Law Conference, 1220 North Fillmore Street, Suite 444, Arlington, VA 22201. For more information regarding refund, complaint and/or program cancellation policies, please contact a Meeting Planner at meetings@fedbar.org.

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Four ways to register:

1. Online at www.fedbar.org/ArtLaw20
2. Scan this form and email to meetings@fedbar.org
3. Fax to (571) 481-9090
4. Mail to Federal Bar Association, Attn.: 2020 Art Law Conference, PO Box 79395, Baltimore, MD 21279-0395

Registration Rates

	Early Bird <i>(ON OR BEFORE 1/10/20):</i>	Standard <i>(AFTER 1/10/20):</i>	Early Bird 2 Day Including Fashion Law 2/7 <i>(ON OR BEFORE 1/10/20):</i>	Standard 2 Day Including Fashion Law 2/7 <i>(AFTER 1/10/20):</i>
Sustaining FBA Members	\$250	\$295	\$455	\$550
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Nonmembers	\$335	\$385	\$630	\$730
Government/Academic	\$185	\$190	\$330	\$340
Observation Only	\$85	\$90	\$130	\$140
Student	\$85	\$90	\$130	\$140

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