

THE EVER-CHANGING LEGAL CANVAS:

AN EXAMINATION OF LEGAL ISSUES AFFECTING THE VISUAL ARTS COMMUNITY

FOR ARTISTS AND THE LAWYERS WHO HELP PROTECT THEM

When: Friday, April 9, 2010
Time: 12:00 p.m. - 5:00 p.m.
Location: CORNELL CLUB
THE IVY ROOM
6 East 44th Street,
New York, NY 10017

Private Attorney Cost: \$65
Public/ Government Attorney: \$40
Students/ General Public: \$25

Presented by:
ART LAW & CULTURE SOCIETY,
PRESIDENT MONICA PHAM
and
CARDOZO ART LAW SOCIETY,
PRESIDENT IRNIA TARSIS

SCHEDULE

12:00 p.m. Registration & Refreshments

12:30 p.m. **Welcome & Introductory Remarks**
Presidents - Monica Pham, Irinia Tarsis and Cardozo AELJ Editor, Stephanie Spangler

12:40 p.m. **THE ART OF MEDIATION- THE TRANSFORMATIVE APPROACH TO CONFLICT**
Dealing with the Interaction not just the Transaction: Embedded within every transactional conflict, especially when creative properties are involved, is the history of the human interaction between the creative personalities involved. To address the transaction itself, without also addressing the interaction, may resolve the claims, but it will likely not resolve the residue of the poisoned interaction that gave rise to those claims. Transformative mediation offers a way to address both the transactional and interactional dimensions of conflict involving creative enterprises.

Introduction: Michael Zisser, President of Moot Court, Hofstra University School of Law

Prof. Robert Baruch Bush, Author of The Promise of Mediation, and Harry H. Rains Distinguished Professor of Arbitration and Alternative Dispute Settlement Law

1:10 p.m. **REAL OR FAKE? WARRANTIES OF AUTHENTICITY**
A discussion of the relationship between the major international art auction houses Sotheby's and Christies and small galleries. Art is an investment, but it is also part of our cultural heritage. What rights and obligations accompany the purchase and sale of art? The panel will discuss *Thome v. Alexander & Louisa Calder Foundation*, 890 N.Y.S. 2d 16 (2009) in which Judge Ramos held that the Calder Foundation had no duty to authenticate a work of art.
Introduction: Vivienne Nguyen, President of APALSA, Hofstra University School of Law
Moderator: The Honorable Charles E. Ramos, NYS Supreme Court, Commercial Division
Panelists: The Honorable Barbara Jaffe, NYS Supreme Court, Civil Division; Jay Safer, Esq., Partner, Locke, Lord & Bissell; John R. Cahill, Esq., Partner, Lynn & Cahill LLP; Jo Backer Laird, Esq., Of Counsel, Patterson Belknap Webb & Tyler LLP; Dennis Oppenheim, Artist.

2:00 p.m. **LUNCH PROVIDED**
Courtney Dewitt & Andrew Ford, Co-Presidents of OUTLAW

Mesclun Salad of Field Greens with Housemade Vinaigrette, Traditional New York Style Cole Slaw, Black Forest Ham, Sliced Grilled Tarragon Chicken Breast, Smoked Pork Loin, Roast Beef, Mesquite Smoked Turkey Breast, Hummus and Pita Triangle Platter, Basket of Bread and Rolls, Grilled Vegetable Platter, Asian Chicken

and Cashew Noodle Salad, Chicken Salad with Walnuts and Cranberries, Israeli Cous
Cous Salad with Roasted Mushrooms, Horseradish Mayo, Red Pepper Basil
Aioli Dijon Club-Baked Assorted Cookies, Apples, Oranges and Bananas Coffee
/Tea Service, Assorted Soft Drinks and Iced Tea

2:10 p.m.

COPYRIGHT IT: PROTECTING THE FRUITS OF YOUR LABOR

A discussion of artistic authenticity and originality. What happens when an artist appropriates the work of another artist? This panel will address copyright issues that affect contemporary artists, including moral rights, resale rights, and the scope of fair use. When is an artistic expression protected by copyright and when does it infringe another's copyright? Another angle of the "real" versus "fake" discussion is the idea of "original" versus "copy" and whether an artist him/herself appropriated the work of another. Copyright Issues particularly pertinent to artists, moral rights and resale rights will be discussed. The following questions will be addressed: What is fair use? What is copying? How can an artist properly justify what he or she has originally created and what is "inspiration" from another source? How can artists protect themselves?

Introduction: Sonsy Rajan, President of HILPA, Hofstra University School of Law

Moderator: The Honorable R. Bruce Cozzens (Civil Division)

Panelists: Raymond Dowd, Esq., Partner, Dunnington, Bartholow & Miller LLP; Sergio Munoz Sarmiento, Esq., Associate Director, Volunteer Lawyers for Arts; Jason Nardiello, Esq., Associate, Locke, Lord & Bissell; Amy J. Goldrich, Esq., The Offices of Amy Goldrich; Paul Ickovic, Artist

3:00 p.m.

SEX, ART, AND THE FIRST AMENDMENT

A discussion of First Amendment rights and limitations on artistic expression. *NEA v. Finley* held that the statutory funding guidelines requiring the NEA to consider artistic excellence, merit, and general standards of "decency and respect" do not violate the First Amendment. Does it encourage discrimination in violation of the First Amendment's freedom of expression guarantees? How did it affect the Brooklyn Museum of Art and its legal battles with Mayor Rudolph Giuliani and the problem of conditions on government arts funding more generally?

Introduction: James Lewis, President of BLSA, Hofstra University School of Law

Moderator: Prof. Eric M. Freedman, Maurice A. Deane Distinguished Professor of Constitutional Law, Hofstra University School of Law

Panelists: Imo Imeh, Artist, and Ph.D Candidate at Yale University; Dean R.

Nicyper, Esq., Partner, Fleming, Zulack, Williamson, Zauderer LLP; Marjorie Heins, director of the Free Expression Policy Project or author of Not in Front of the Children: "Indecency," Censorship & the Innocence of Youth, Prof. Leon Friedman, Joseph Kushner Distinguished Professor of Civil Liberties Law.

4:00 p.m.

Coffee Break

4:10 p.m.

KEYNOTE ADDRESS - ART LAW PROBLEMS IN SEARCH OF SOLUTIONS: FROM ADVERSE POSSESSION TO WORLD ART LAW SYSTEMS

Introduction: Ashley Wyzan, President, SBA, Hofstra University School of Law

Professor Herbert "Bert" Lazerow- Professor of Law and Director of the Institute on International and Comparative Law, at the University of San Diego will examine all issues discussed by all the panels.

5:00 p.m.

Closing Remarks by Prof. Leon Friedman, Hofstra University School of Law

A Portion of the Proceeds will go to the following Organization:

IN THE HEART OF PORT-AU-PRINCE: GHESKIO RELIEF IN HAITI

GHESKIO establishes refugee camp and field hospital for thousands of earthquake survivors and continues AIDS care

<http://weill.cornell.edu/globalhealth/>

General Public, Artists & Law students are encouraged to attend!!!

**To Register please email Jessica Shirinian:
jShirinian@gmail.com**