Museums & The Arts Law Committee Introduces New Working Groups
By Ria De las Alas

The Museum and Arts Law Committee has long described its membership as a small but active group. Now with the creation of Working Groups, the Committee hopes to increase participation and bring more resources to its members across the country. While focusing on various, relevant topics faced by museums and art institutions, the working groups will provide opportunities for collaboration with other professionals in the field and a forum to to share resources. The Committee recently introduced in a brochure the four working groups; Digitization and Archiving Collections, Document Archival and Electronic Communications Privacy, Social Media and Patents In Museums and Arts.

Provenance recently had the opportunity to learn more about each working group and gained insight into the talented team of leaders behind the Museum and Arts Law Committee’s latest endeavor.

Document Archival and Electronic Communications Privacy
Document Archival and Electronic Communications Privacy group lead Anita M. Bozzi’s says the “group’s objective is to highlight the current dialogue and best practices in digitization and document archival as well as the related developments in IP, data security and privacy laws of special interest to Museums and Arts Organizations.” Through emails the group will share case updates and links to various resources.

Anita shared that her professional expertise is in eDiscovery and litigation technology where she specializes in “process and life cycle management for complex, technical or large scale litigation.” Anita actively contributes to eDiscovery standards and guidelines, domestically and internationally, most specifically to the Sedona Conference and to ISO WG-27050. A lifelong passion, Anita says she stays active in her arts and museum community which includes the Steinhart Aquarium, The Exploratorium, the San Francisco Children’s Open and the San Francisco Jazz Center. She adds that, “later in the year, [the group] will also be organizing a webinar or teleconference to discuss and provide an (continued on page 2)
Informative legal overview on topics that generate the most interest within our working group, such as Metadata and Preservation Technology or Privacy Law Fundamentals for Employers." To get involved with this committee, please contact Anita M. Bozzi (anita.m.bozzi@gmail.com) or click this link to join the working group. In your email, please tell the committee a little bit about yourself and your interests. They welcome any additional topics or resources for consideration.

Social Media
Anne Breckenridge Barrett is Director of Collections and Exhibitions at the Museum of Contemporary Art Chicago and leads the Social Media working group. With 21 years expertise in museum registration, arts management, the law and cultural work for social impact, Anne supervises the registration and rights and images teams and manages exhibition contractual negotiations. She also counsels on internal staff operations and works on long term strategic planning. Anne added that she "loves working in the contemporary art world where the challenges can vary greatly from a traditional art museum.”

Anne says the Social Media group's objective is “to help identify practical solutions and best practices for museums engaged in social media and open source audience engagement.” Anne hopes to develop the ongoing discussion of “audience engagement as it relates to rights, reproductions, licensing issues and other matters encountered daily by those who source images and handle museum compliance.” Some discussion topics include issues with audience photography and likeness. The Social Media working group will create a group of questions for members and potential members which will serve as the basis for discussion.

Digital Asset Management Positions on the Rise in Museums
Museums continue to create positions to manage the issues surrounding the growing relationship between art and technology. In keeping with this trend, the New Museum has hired Julia Kaganskiy, an innovator in bridging the two fields, to manage a new project dedicated to encouraging young artists in the digital age.
http://tinyurl.com/malc018

Art at Our Fingertips
Once inaccessible museum collections at the Jewry Wall Museum in Leicester, UK are now available through a virtual website and a free app. Virtual visitors now can view objects from Roman buildings and delicate, medieval stained glass currently not on display for their protection. Viewers will enjoy an in-depth look as images have been scanned in 3D.
http://tinyurl.com/malc019

Enhancing the Museum Visit
During the last weekend in January, over 100 digital media and creative specialists collaborated to compete in Art Bytes II at the Walters Art Museum in Baltimore, MD. The purpose of the contest was to deepen the visitor experience through technology. Competitors focused on various facets of the experience from improving tours to creating the ability to search individual manuscripts.
http://tinyurl.com/malc020

One of The Greatest Collections We’ve Never Seen
A climate controlled Army conservation center located in Fort Belvoir, VA houses an amazing collection of military history. The extensive collection includes military supplies and uniforms as well as weaponry that dates before the American Revolution. The facility also holds more than 16,000 pieces of artwork depicting various parts of a soldier’s life both on and off the field, some from famous artists like Norman Rockwell and Winslow Homer. The collection contains pieces from the Mexican War through the conflicts in Iraq and Afghanistan, as well as American war propaganda and works seized from the Nazis after World War II. The Army Historical Foundation has raised less than half of the $175 million to fund the future National Museum of the United States Army, which will house the collection.
http://tinyurl.com/malc022
http://tinyurl.com/malc023
Museums and Patents
A great strength to the group, personal areas of interest often fuel Museum and Arts Law Committee projects. Through his own personal research, Vid Mohan-Ram's interest was piqued when he discovered that “the Museum National d'Histoire Naturelle in Paris is one of the more prominent co-owners of U.S. Patents.” Thus, the Museums and Patents working group was born. Vid stated that his interest in patents in museums stems from “the potential to not only capture innovation metrics but to also generate additional revenue and goodwill through non-burdensome licensing opportunities related to [research and development] going on at museum campuses.” Private, federal and state agencies may also be interested in investment, which supports patent protection.

The patent working group will explore which museums file patent applications and the decisions surrounding these filings, as well as the patent subject matter. The patent working group will also discuss which museums have significant research and development facilities and how those institutions are simultaneously protecting and publicizing their efforts. With all of that in mind, Vid says the patent group will discuss “the opportunity for museums with intellectual property assets to generate an independent revenue stream.” For more information and to join the group, please contact Vid Mohan-Ram at vid.mohan-ram@simplot.com.

Digitization and Archiving Collections
Katherine Lewis, Chair of the Museum and Arts Law Committee, will lead the Digitization and Archiving Collections working group. With the dynamic forces of technology and social media rapidly advancing, museums seek to evolve by digitizing their collections, making works and exhibits accessible worldwide. Simultaneously, artists are developing new media for their works. Questions surrounding these phenomena will provide the backdrop for this working group’s discussions. To join the discussion, please email Katherine Lewis at katlewis864@gmail.com, stating your area of interest and any resources for consideration.

Case Update: Renoir Purchased for $7 at West Virginia Flea Market Ordered to be Returned to Baltimore Museum of Art
The United States District Court for the Eastern District of Virginia ruled that the Renoir, painted on a small linen napkin, must be returned to the Baltimore Museum of Art as it was deemed stolen from the museum in 1951. Despite flea market puracher Marcia Fuqua's claims of ownership, Judge Leonie Brinkema noted that “property title cannot be transferred if it resulted from theft” and added that “the museum has put forth an extensive amount of documentary evidence.” Read full article here. Marie C. Dooley points out that these types of cases stress the importance of provenance when purchasing art. http://tinyurl.com/malc024 http://tinyurl.com/malc026
Provenance previously highlighted this story in its Fall issue.

Lost And Found

Case Update: Renoir Purchased for $7 at West Virginia Flea Market Ordered to be Returned to Baltimore Museum of Art

See a Penny, Pick It Up
A couple were walking their dog along a familiar path near their California home when the woman saw part of a rusty can sticking up out of the ground. Upon further examination, they discovered six cans containing just over 1400, mint-condition gold coins ranging in date from the late 1840s to late 1890s. Experts valued the rare coins at $10 million. http://tinyurl.com/malc027

Not So Fast...
The face value of those gold coins, coupled with their uncirculated condition, suggest that they may have been lifted from the San Francisco Mint. Sharp-eyed collectors found a front-page story from The Bulletin on New Year's Day 1900 describing a heist of $30,000 from the San Francisco Mint. http://tinyurl.com/malc028

Scrap Dealer Finds $33M Faberge Egg
A scrap dealer who bought a gold egg seeking to melt it down was surprised to learn it was the third of 50 Faberge eggs made, and one of eight not accounted for. The egg was valued at $33M and thought to be lost after the Revolution; however, collectors found an image of the egg in a 1964 auction catalog in 2011, indicating it survived. http://tinyurl.com/malc030
About Us

The Museum and Arts Committee is within the Section of Science & Technology Law, one of 22 sections within the American Bar Association.

http://tinyurl.com/scitechmac010

Our committee undertakes a variety of projects related to all types of museums and all types of art that are being affected by new developments. Naturally, this requires an appreciation for how those institutions and communities function in general. The Committee thus welcomes active participation from those involved in museums or the arts. In addition to attorneys and law students, membership is also open to non-attorneys who may join as Associates at:

http://tinyurl.com/scitechmac011

Current projects the Committee is exploring include authenticating artwork, collecting digital forms of art, digitization for archival and commercial purposes, and copyright issues in ownership, derivative use, and online distribution.

Upcoming Events

**American Legal Institute**
Legal Issues in Museum Administration
March 19 – 21, 2014
Philadelphia, PA

Legal Issues in Museum Administration, a CLE program, covers a broad and varied range of the prominent issues, best practices and current litigation in the museum field. Taking place in Philadelphia this year, participants will have the wonderful opportunity to explore both The Barnes Foundation and The Franklin Institute after full days of engaging courses.

https://www.ali-cle.org/index.cfm?fuseaction=courses.course&course_code=CV019#scope

**American Alliance of Museums**
Annual Meeting and Museum Expo
May 18 – 21, 2014
Seattle, WA

This year's program revolves around The Innovation Edge and the important question from the website, “How do we engage, support and sustain innovation in our museums and our communities?”

http://aam-us.org/events/annual-meeting

**American Institute for Conservation of Historic and Artistic Works**
Conscientious Conservation
May 28 – 31, 2014
Baltimore, MD

The theme for the annual meeting, Conscientious Conservation: Sustainable Choices in Collection Care, will focus not only on best practices in conservation but in preventative care of cultural heritage.

http://www.conservation-us.org/annual-meeting