Art Law (Seminar)
University of Florida, Levin College of Law

This course covers the law governing the visual arts as cultural goods, artists’ rights, international theft and smuggling of works of art, forgery, art museums, architectural preservation and related matters.

Office Location: Room 342 Holland Hall
Office hours: Wednesdays after class 12:30-2:00 PM or by appointment.
(No office hours on Wednesday April 2, 9 or 16.)

Contact information: ferreri@law.ufl.edu
Telephone (leave message) Faculty Support Office, (352) 273-0660

Students requesting classroom accommodation must first register with the Dean of Students Office. The Dean of Students Office will provide documentation to the student who must then provide this documentation to the Instructor when requesting accommodation.

Primary textbook
Patty Gerstenblith,

Each assignment includes materials in the text. Students must read also the primary materials in the Appendix noted in the assigned chapters.

Other materials will be suggested for enrichment, including but not limited to press clippings and books.

Students are encouraged but not required to watch the following films:
The Monuments Men (2014) starring George Clooney
The Thomas Crown Affair (1999) starring Pierce Brosnan
The Rape of Europa (2007) documentary
The Train (1964) starring Burt Lancaster
Course requirements:
  Two thirds (2/3) of the grade will be based on one paper (see below on Paper topic.) One original, short paper of publishable quality on one of the following topics within the parameters listed below, due on March 12, 2014, in English, with footnotes.

  **No time extensions will be allowed for papers.**

  The paper is to be submitted electronically to Marilyn Henderson in the Dean’s Office in the following format:
  - Microsoft Word
  - Double spaced typing
  - Courier font, 12 point
  - 0.75 inch margins
  - Between 20 and 25 pages in length, including footnotes
  - The professor will stop reading at the bottom of page 25.

Paper topic: Chose one and only one of the following topics.

  1. Does *Jeanneret v. Vichey* matter any more?

  2. Would *Brancusi v. United States*, 54 Treas. Dec. 428 (Cust. Ct. 1928) be decided the same way today?

  3. *Mr. Lancelot William Thwaytes v Sotheby’s, U.K. High Court of Justice, Chancery Division, case no. HC12F03128*
     If this case were in the United States, how should it be decided and why?

  4. *Buffet v. Fersing, Recueil Dalloz [D. Jur.] 570, 571 (Cour d'appel 1962)* What is the root and the importance of droit moral?
PAPERS EVIDENCING A FULL COMPREHENSION OF THE MATERIALS AND PRINCIPLES COVERED DURING THE SEMESTER WILL EARN A HIGHER GRADE THAN THOSE WITHOUT.

Students can find information on current UF grading policies for assigning grade points at https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx

Attendance policy: Attendance is strongly recommended and expected and will be noted by the professor but is not a factor in the grade. If a student misses a class, s/he is responsible for learning what s/he missed. THERE WILL BE NO MAKEUP CLASSES HELD DURING THE SEMESTER.

Attendance at the final two classes (being held at the Harn Museum) is required and attendance will be taken.

Class rules:
- No smoking or eating during class. Beverages welcome provided they have lids and are well superintended.
- Class begins on time and ends on time.
- No recording of any part or aspect of any class, using any media whatsoever unless under an approved accommodation previously discussed with the professor.
- Cell phones must be turned off and stored during class.
- On Wednesday, April 9 and on Wednesday, April 16, class will be held at the Harn Museum on the UF campus.
- Informal discussion is encouraged during each class. Each student is required to have completed the reading assignments for each class.
Class 1, January 8, 2014  Introduction and housekeeping
Definitions and introduction to the course

Assigned reading: Text, Chapter 1

and the following New York Times article

At $142.4 Million, Triptych Is the Most Expensive Artwork Ever Sold at an Auction

2013 Estate of Francis Bacon/Artists Rights Society (ARS), New York/DACS, London

Auction Highlights From Christie’s: Some of the notable works at the Christie’s sale of postwar and contemporary art on Tuesday night.

By CAROL VOGEL
Published: November 12, 2013

The Art Market
Class 2, January 15, 2014  Public and private sales of artworks

Assigned reading: Text, Chapter 6

Class 3, January 22, 2014  Title and theft of cultural goods

Assigned reading: Text, Chapter 8
Class 4, January 29, 2014    Forgeries of artworks

    Assigned reading:  Text, Chapter 7

Cultural Heritage
Class 5, February 5, 2014    War and cultural property

    Assigned reading:  Text, Chapter 9

Class 6, February 12, 2014    Smuggling and International theft

    Assigned reading:  Text, Chapter 10

Class 7, February 19, 2014    The debate about the international movement of cultural property

    Assigned reading:  Text, Chapter 10 (as for Class 6)

Artists and their Legal Rights
Class 8, February 26, 2014    Artists’ Rights

    Assigned reading:  Text, Chapters 2, 3 and 4

Spring Break NO CLASS March 5, 2014
Art Law
Linda Ferreri, Adjunct Professor

Architecture
Class 9, March 12, 2014

Paper due by start of this class.

Assigned reading: Text, review Chapter 3, pages 144-166 and Text, Chapter 11, pages 755-799

Museums
Class 10, March 19, 2014

Assigned reading: Text, Chapter 5

Class 11, March 26, 2014

Assigned reading: Text, Chapter

Class 12, April 2, 2014

Contracts and related law for artists

Assigned reading: Review Chapter 6

**QUIZ**—There will be a 1-hour multiple choice quiz at the beginning of this class. The quiz will cover material from all aspects of the assigned readings up to and including Class 12 (April 2, 2014) and the grade will be worth 1/3 of the grade for the course.
No make-up quiz will be scheduled for any student who misses the quiz without a doctor’s written and signed medical excuse.

Class 13, April 9, 2014  Structure of art museums and their administrative legal issues (with the Director of the Harn Museum, held at the Harn Museum)

No new assigned reading. Review Chapters 5 and 10. ATTENDANCE AT THIS CLASS IS MANDATORY AND ATTENDANCE WILL BE TAKEN.

Class 14, April 16, 2014  Collection issues for museums (with curatorial staff of the Harn Museum at the Harn Museum)

No new assigned reading. Review Chapters 5 and 10. ATTENDANCE AT THIS CLASS IS MANDATORY AND ATTENDANCE WILL BE TAKEN.

End of Syllabus