

Antiquities Coalition Returns to New Orleans for Cultural Heritage Law Seminar on Museums, Ethics, and the Law

The Antiquities Coalition is proud to have joined with the Federal Bar Association of New Orleans, the nation's largest chapter with over 1,200 members, on its 6th Annual Cultural Heritage Law Seminar. This event took place at the New Orleans Museum of Art (NOMA) on December 9. It was cosponsored by the Louisiana State Bar Association's International Law Section.

This year's program focused on educating the city's attorneys and judges—as well as its thriving community of arts and museum professionals—about the changing laws and best practices governing ancient art. In recent decades, this subject has grown more important, as the illicit antiquities trade has grown into a sweeping and lucrative industry that is funding crime, armed conflict, and even violent extremist organizations. The United States, which makes up 43% of the global art market, is the suspected end destination for many of these stolen artifacts. While this poses serious challenges for the American market and museum sectors, it also presents them with an unprecedented opportunity, to extend their leadership in the prevention of cultural crimes around the world, and set the global standard for the ethical collection and trading of ancient art.

The December 9 seminar recognized that New Orleans has an important role to play in this fight. The city is home to several major museums, as well as some of the nation's oldest antiques and antiquities galleries. But just as importantly, New Orleans is in the middle of the world's largest port complex, which stretches 290 miles along the Mississippi River. Each year 11,000 oceangoing vessels move through the city, carrying some 500 million tons of cargo from around the world, including an unknown amount of arms, drugs, and other contraband. While no longer the smugglers' paradise of Jean Lafitte, all in the New Orleans' legal, law enforcement, and arts communities should be on alert about the illicit antiquities trade—especially given recent FBI warnings that conflict antiquities from Iraq and Syria are now reaching the United States.

With that goal in mind, the Antiquities Coalition and Federal Bar Association program explored a wide range of relevant topics, through two panel discussions featuring leading lawyers and museum directors from across the country.

The first session, moderated by Antiquities Coalition Executive Director Tess Davis, who is also an attorney and trained archaeologist, focused on “Antiquities, Ethics, and the Law.” In this discussion, Davis was joined by Herb Larson, a Senior Professor of the Practice at Tulane University Law School, and an experienced criminal defense attorney. Of most relevance, Larson is also the Director of the Tulane-Siena Institute, which was created to be the world's foremost program for the study of the complex and fascinating relationship between art and the law.

In this panel, Davis noted that with the world increasingly aware that cultural racketeering is funding bad actors from mafia syndicates to terrorist organizations, civil and criminal litigation over art and antiquities is on the rise in state

and federal courts. As a result, attorneys and their clients, particularly those in the art market or museum community, must now be taking extra steps to ensure that they are behaving both ethically and legally. Davis and Larson then examined the challenges of representing clients in all sides of such disputes, using case studies taken from the court docket and newspaper headlines, as well as the American Bar Association's (ABA) Model Rules of Professional Conduct. They also looked at the broader moral questions surrounding the role of lawyers and the courts in the adjudication of these lawsuits.

The closing message from this hour long discussion was that by following established ethical guidelines—like the ABA Model Rules, but also those for the art market and museum communities, which would be discussed in greater detail during the next panel—attorneys could also keep their clients (and even themselves) out of trouble with the law.

The second session, “Antiquities and Museums: Best Practices and Ethical Considerations,” was led by NOMA Director Susan Taylor, who came to New Orleans from the Princeton University Art Museum, where she had successfully (and amicably) resolved antiquities ownership disputes with the Italian government, in negotiations that now serve as a model for other institutions. Taylor's panel included veteran art museum curator and director Maxwell L. Anderson, author of the recent book *Antiquities: What Everyone Needs to Know*, and Stephen K. Urice, a Professor at the University of Miami School of Law, and co-author of *Law, Ethics, and the Visual Arts*. All three have been active in efforts to strengthen best practices at museums, particularly through the Association of Art Museum Directors' highly influential guidelines on the acquisition of archaeological material and ancient art, which were overhauled in 2008.

Antiquities: What Everyone Needs to Know — Anderson's latest book—provided a foundation and framework for the discussion. Over two hours, Taylor, Anderson, and Urice explored a wide range of subjects, starting with the history of collecting antiquities, then moving on to the changes in the 20th century brought by the end of colonialism, which eventually led to the present and often contentious debate over who owns the past. As part of this conversation, they also touched upon relevant current domestic and international law, the politics of sending objects back to the countries of origin, and the outlook for the legal market, especially in light of the increased awareness of conflict antiquities. The firsthand experiences of all three on these topics, especially in addressing the ethical and legal challenges facing the field today, provided much material for discussion. Those interested in learning more are highly encouraged to read Anderson's book.

This is the second annual seminar that the Antiquities Coalition has conducted the Federal Bar Association, with last year's event addressing cultural racketeering and terrorist financing, held at the United State District Court for the Eastern District of Louisiana.

We thank this year's hosts the New Orleans Museum of Art and the Louisiana State Bar Association's International Law Section for their assistance in making this event happen.

