



JUDITH BRESLER FELLOWSHIP ANNUAL REPORT

PREPARED BY PATRICK K. LIN
JUDITH BRESLER FELLOW
2023 - 2024

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The Judith Bresler Selection Committee

Irina Tarsis
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Barbara Jaffe
Evie Joselow
Judith Finell

**To contribute to the Judith Bresler Fellowship Fund contact
tarsis@itsartlaw.org.**

FAREWELL FROM OUR FELLOW

Dear Reader,

It has been an honor and a privilege to serve both the Center for Art Law and the art law community as the 2023-2024 Judith Bresler Fellow. From advocating for copyright protections for artists in the face of generative AI to launching the Center's Art & Copyright Law Clinic and Art Lawyering Bootcamp, it has been a fulfilling year. I am grateful for the opportunity to help many artists navigate different legal issues and collaborate with the Center's network of art law professionals to organize interesting and timely workshops, panels, and clinic presentations.

As for me, in September, I will be joining the Harvard Carr Center for Human Rights Policy as its Technology and Human Rights Fellow and begin my judicial clerkship in the Southern District of New York.

Please consider supporting the Center's work and share your feedback. It helps the Center improve its programming and stay attune to the wants and needs of the communities it serves.

Thank you, Irina Tarsis, Atreya Mathur, and the Center for Art Law boards and community, for making my fellowship so memorable and rewarding.

Thank you,

Patrick K. Lin
2023-2024 Judith Bresler Fellow

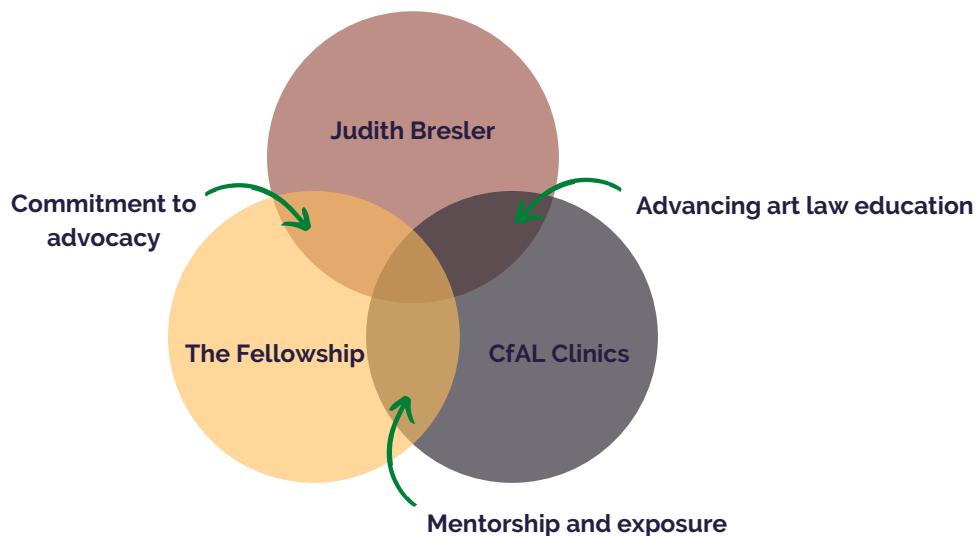


THE JUDITH BRESLER FELLOWSHIP MISSION

In 2020, with the passing of Judith Bresler, a prominent attorney and educator who co-authored the seminal "Art Law" treatise, the art law community lost a prominent and beloved colleague. Judith was a tireless advocate for the advancement of art and law and an inspiration to her colleagues and to all seeking to dedicate themselves to the practice and advancement of art and law.

In memory of Judith Bresler, the Center for Art Law is proud to offer the Judith Bresler Fellowship to candidates who exhibit many of the gifts, qualities, and passions that Judith so beautifully embodied.

Along with a desire to forge meaningful connections between law and the arts, the Center is committed to educating visual artists and the attorneys who defend them. In recognition of the numerous contributions that Judith Bresler made to advance the art law field as a lawyer, professor, author, mentor, and advocate for the arts, the Center is offering the Judith Bresler Fellowship to recent law school graduates.



Funds for the Judith Bresler Fellowship have been pledged and contributed by individual and corporate donors, including:

- Family and Friends of Judith Bresler
- Appraisers Association of America
- Withers Bergman LLP
- Madeline and Arnold Schuster Foundation

VISUAL ARTISTS' LEGAL CLINICS

The Center for Art Law launched its Visual Artists' Legal Clinics in 2020, sharing informational resources and offering pro bono consultation to artists, covering topics related to immigration, legacy and estate planning, and artist-dealer relations. Pursuant to the Center's objective of making art law accessible to practicing artists, clinics have become a seminal part of its offerings for the art and law community.

The Judith Bresler Fellow leads the operation of the Visual Artists' Legal Clinics by planning each clinic session and organizing workshops and panels related to the clinic themes. The fellow further creates a network of resources to promote and expand the mission of the clinics while working with volunteer attorneys, clients, stakeholders, and related organizations on offering relevant and timely pro bono clinical sessions.

The **Visual Artists' Immigration Clinic** is designed to guide international artists through the US visa application process. The Clinic provides visual artists with an opportunity to discuss their eligibility for an artist visa with an experienced attorney.

The **Artist-Dealer Relationships Clinic** helps artists and gallerists negotiate effective and mutually-beneficial contracts. The Clinic provides a platform for artists and dealers to learn about the law governing artist-dealer relations and how to effectively negotiate contracts and consignment agreements.

The **Artist Legacy & Estate Planning Clinic** connects artists, estate administrators, attorneys, tax advisors, appraisers and other experts to create meaningful and lasting solutions for expanding the art canon. Significantly, the Clinic helps artists navigate the legacy and estate planning process.

Patrick launched the **Art & Copyright Law Clinic** in April 2024. Sensitive to the concerns many artists have raised about how to protect their copyright, particularly with respect to emerging technologies, such as generative AI, the Clinic connects artists with the Center's network of copyright law expertise.

From September 2023 to July 2024, Patrick organized and hosted:

- 1 Visual Artists' Immigration Clinic
- 2 Artist-Dealer Relationships Clinics
- 3 Artist Legacy & Estate Planning Clinics
- 1 Art & Copyright Law Clinic

VISUAL ARTISTS' IMMIGRATION CLINIC

October 2023

Teresa Woods Peña was the keynote speaker for the October 2023 Clinic. She is an immigration attorney at the Woods Law Group who previously worked with the Vera Institute of Justice's Center on Immigration and Justice as well as the United Nations High Commissioner for Refugees. Teresa's presentation was a walkthrough of the O1-B artist visa application process, including the strength of different types of evidence as well as the timeline and fees.



Teresa Woods Peña

Volunteer Attorneys for the October 2023 Clinic:

- Rakhel Milsetin | Milstein Law Group
- Cielomar Puccio | Brandlett Law
- Kimberly Xavier | Covey Law
- Michael Lehach | Lehach & Filippa, LLP

Although the Visual Artists' Immigration Clinic was discontinued at the end of 2023, the Center continues to serve artists in this space by converting the Clinic to an annual workshop while continuing to share informational resources and organizing other programming.

For example, Patrick organized the workshop, *The O-1 Visa & the Impact Elections Have on Immigration*, which was led by Rakhel Milsetin of the Milstein Law Group. 11 people attended this workshop.



ARTIST-DEALER RELATIONSHIPS CLINIC

November 2023

Caitlin Dempsey was the keynote speaker for the November 2023 Clinic. She is an associate in Kurzman Eisenberg Corbin & Lever's corporate practice and art law practice. Caitlin explained the amendments to New York's Arts & Cultural Affairs Law and highlighted provisions in consignment agreements to pay attention to.

25 people attended this Clinic and 11 consultation sessions were conducted.



Caitlin Dempsey

Volunteer Attorneys for the November 2023 Clinic:

- Wendy Dickieson | Withersworldwide
- Olivia Taylor | Withersworldwide
- David Breyer | Olshan Frome Wolosky

May 2024

Cara Miller was the keynote speaker for the May 2024 Clinic. She serves as Commercial Counsel at Electronic Arts in Los Angeles, where she leads the drafting and negotiation of contracts for various business units including marketing, publishing, and corporate philanthropy. Cara covered negotiation strategies for consignment and representation agreements, focusing on highly negotiated causes such as payment, production costs, and insurance.

15 people attended this Clinic and 7 consultation sessions were conducted.



Cara Miller

Volunteer Attorneys for the May 2024 Clinic:

- David Breyer | Olshan Frome Wolosky LLP
- Wendy Dickieson | Withersworldwide LLP
- Catlan McCurdy | McCurdy Laud LLC
- Olivia Taylor | Withersworldwide LLP

ARTISTS LEGACY & ESTATE PLANNING CLINIC

December 2023

Clarissa Rodriguez delivered the keynote presentation for the December 2023 clinic. She is a partner at Harper Meyer LLP, where her practice focuses on art and entertainment law, international litigation, and arbitration. Clarissa's presentation provided an overview of the trust and estate process as well as cautionary tales for what pitfalls to avoid.



13 participants attended this Clinic and 8 consultation sessions were conducted.

Clarissa Rodriguez

Volunteer Professionals for the December 2023 Clinic:

- Cynthia Pearson | Overton, Lyman & Prince, LLP
- Charles Rosoff | Appraisal Services Associates
- Wendy Dickieson | Withersworldwide
- Trace Brooks | Trace Brooks Law

March 2024

Trace Brooks delivered the keynote presentation for the May 2024 clinic. He concentrates his law practice on estate planning, probate, and tax planning. Trace's presentation covered planning strategies for artists, focusing on wills, charitable giving, and tax planning.

31 participants attended this Clinic and 13 consultation sessions were conducted.



Trace Brooks

Volunteer Professionals for the March 2024 Clinic:

- Leslie Calero | Department of Appraisals LLC
- Charles Rosoff | Appraisal Services Associates
- Cynthia Pearson | Overton, Lyman & Prince LLP
- Cara Miller | Electronic Arts
- Galina Portnoy | TAG Associates
- Nancy Kashuck | Law Office of Nancy Elizabeth Kashuck

ARTISTS LEGACY & ESTATE PLANNING CLINIC

June 2024

Elizabeth Devolder delivered the keynote presentation for the June 2024 clinic. She practices law in Florida and has been a member of the Florida Bar since 2016. Elizabeth's presentation provided an overview of estate planning basics and covered provenance, art as an asset, and gallery representation in the context of an artist's estate.

21 participants attended this Clinic and 9 consultation sessions were conducted.



Elizabeth Devolder

Volunteer Professionals for the June 2024 Clinic:

- Nancy Kashuck | Law Office of Nancy Elizabeth Kashuck
- Trace Brooks | Trace Brooks Law

ART & COPYRIGHT LAW CLINIC

April 2024

The proliferation of generative AI has prompted many artists to worry about their copyright and what actions can be taken to prevent tech companies from taking their work to train AI models. Based on requests the Center has received from artists as well as responses to Clinic feedback surveys, the Center launched the Art & Copyright Law Clinic in April 2024.

Juyoun Han, an attorney and partner at Eisenberg & Baum specializing in art law, civil rights, and digital technology. She represented artists in the 5Pointz litigation and in other landmark civil rights cases involving artists. Juyoun's keynote presentation provided an overview of the current copyright law landscape and discussed the impact generative AI is having on artists' rights.

32 participants attended this Clinic and 11 consultation sessions were conducted.

Volunteer Attorneys for the April 2024 Clinic:

- Carol Steinberg | Law Firm of Carol Steinberg
- Olivia Taylor | Withersworldwide



Juyoun Han

CLINIC PARTICIPANT FEEDBACK

After each clinic and clinic-themed program, the Judith Bresler Fellow sends out a feedback survey to participants. Responses to these feedback surveys are crucial as they help the Center improve its programming and stay attune to the wants and needs of the communities it serves.

The following is a selection of feedback our past clinic participants provided during the 2023 - 2024 fellowship term:

“This was such a fantastic resource! Keep it up. I’m so glad that the event has been recorded and there are links to resources.”

“My volunteer was so wonderful, generous, thoughtful, and offered useful advice.”

“I’m very satisfied. My volunteer was helpful in providing general direction and gave me an introduction to contracts.”

“My volunteer was lovely. She was able to answer my questions and was helpful.”

“I had a great consultation! My professional offered insight and perspective that I did not have. She was positive, knowledgeable, and open to understanding my current affairs. I received valuable advice that I will apply throughout the course of my career. I am likely to return for another session.”

“I am very satisfied with my consultation. I received lots of information and learned about what I need in an agreement.”

“My professional answered all of my questions. She was exceptional and informative.”

While the clinic feedback is generally very positive, there are some areas of improvement. In particular, as the Center has expanded its reach, more and more clinic participants reside in states and jurisdictions where there is a lack of volunteer attorney coverage within the Center’s network. Reaching out to more attorneys in other jurisdictions will remedy this issue. Patrick started addressing this by creating and distributing volunteer interest surveys.

BEYOND THE CLINICS: ADVOCACY, RESEARCH & EVENTS

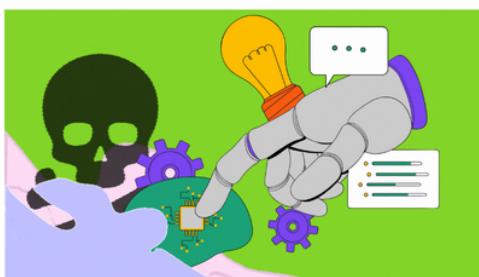
In October 2023, Patrick co-wrote with Atreya and Irina a response to the US Copyright Office's request for comments on AI and copyright. The comment advocated for copyright protections for artists while recognizing the potential for AI to be a tool for artists.

During his fellowship, Patrick published two articles for the Center, covering:

- a new software that adds data to images that deteriorates the quality of generative AI image models when artists' works are used for training data without their consent.
- artists changing galleries, the effect this has on galleries' business, and the recent broader shift in power from dealer to artist.

Can This Data Poisoning Tool Help Artists Protect Their Work from AI Scraping?

November 21, 2023



Is it Strictly Business?: Shifts in the Artist-Dealer Landscape

February 27, 2024



In March 2024, Patrick represented the Center as a speaker at the American Photography Archives Group's annual conference. Patrick's presentation covered copyright considerations for legacy and estate planning.

In April 2024, Patrick launched the Center's Art & Copyright Law Clinic, hosting the inaugural session.

In July 2024, Patrick launched the Center's Art Lawyering Bootcamp, focusing on legacy and estate planning for artists, collectors, and dealers.



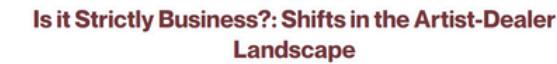
Center for Art Law, Inc.
195 Plymouth Street, Suite 621
Brooklyn, NY 11201
www.itsartlaw.org

Before the United States Copyright Office
Library of Congress

Comment from the Center for Art Law in Response to Request for
Comments on Artificial Intelligence and Copyright

Docket No. 2023-6

https://www.uspto.gov/sites/default/files/2023-11/2023-06-15-ai-and-copyright-1.pdf

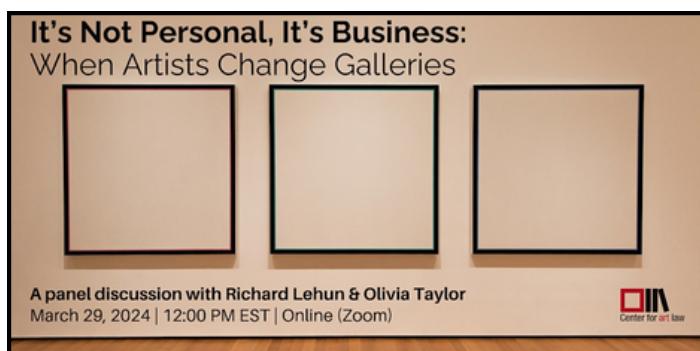


CLINIC-THEMED PROGRAMMING

In addition to the Visual Artists' Legal Clinics, Patrick was also responsible for organizing and hosting events related to the clinics themes—artist-dealer relationships, legacy and estate planning, and copyright law. Included below is a selection of events Patrick organized during his fellowship.



The *Legacy and Estate Planning Strategies for Artists & Collectors* workshop provided an overview of the estate and tax planning process. 49 people attended this workshop.



It's Not Personal, It's Business was a panel discussion about artists changing galleries, the impact this has on a gallery's business, and the legal disputes that arise when the artist-dealer relationship comes to an end. 48 people attended this panel.



The Afterlife of Art was a panel covering posthumous moral rights and copyright. Patrick moderated a discussion with the co-editors and two authors of the book *Posthumous Art, Law and the Art Market*. 64 people attended this panel.



Exploring Copyright Ownership, Work for Hire & Generative AI was a workshop educated artists on copyright ownership in work-for-hire relationships and in the context of generative AI and appropriation art. 29 people attended this workshop.

GET INVOLVED

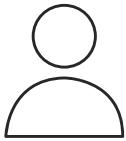
There are many ways to support the Center for Art Law to ensure that we continue our important work for the art law community, from hosting legal clinics and accessible workshops to keeping our newsletter free.



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**We are looking to endow the Judith Bresler Fellowship
Help us make it an annual opportunity!**



Center for art law

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