



## Art Law: Expert Found Liable For Opinion On Fake Max Ernst Painting

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Le Monde reported yesterday that art historian and former Centre George Pompidou director Werner Spies had been ordered to pay damages in the order of EUR 650,000 to the purchaser of a painting. Tremblement de terre purportedly was a work of Max Ernst. Spies, a world-leading expert on Max Ernst and Pablo Picasso, had, according to the Tribunal de grande instance de Nanterre, authenticated the painting and delivered an expert opinion on which the purchaser had relied. Tremblement de terre, however, turned out to be fake. It had been produced by Wolfgang Beltracchi, the man at the centre of Germany's biggest art scandal for decades.

The Economist, in an article at the end of last year, concluded that "fear of litigation is hobbling the art market". The Economist looked at the reactions of various foundations and authentication boards to the rising litigation risk, with most of the examples being drawn from the United States. There, the Andy Warhol Foundation dissolved its authentication board as a result of enormous legal costs incurred in defending claims by collectors. The Keith Haring Foundation stopped authenticating works, as did the Roy Lichtenstein Foundation.

This new French judgment and a similar judgment by the District Court (Landgericht) Cologne of September 2012 which held auction house Lempertz liable over a fake Heinrich Campendonk painting, also by Beltracchi, appear to indicate that in Europe, in the wake of the Beltracchi scandal, the legal risks to experts and auction houses are also increasing.