

AUTHENTICATION IN ART

AiA Art News-service

HYPERALLERGIC

NY State Senate Passes Bill Protecting Art Authenticators from Bogus Lawsuits

• by [Laura C. Mallonee](#) on June 16, 2015



The notorious forger Hans van Meegeren painted "The Last Supper I" (1939) after Vermeer. Art authenticators played a role in exposing him. (Image via [Wikimedia](#))

Art authenticators can finally breathe a sigh of relief: on Monday, the New York State Senate passed much-anticipated legislation that protects them from frivolous libel lawsuits. Act [S1229A](#) states that only "valid, verifiable claims" against

authenticators will be allowed to proceed in court. It also stipulates that they be compensated financially for their legal expenses should they win. Though the bill has cleared one major hurdle with the State Senate's approval, it still needs to be voted on by the State Assembly before it passes into law.

The bill amends the existing Arts and Cultural Affairs law to address an enormous problem. In recent years, art authenticators have increasingly become victims of some of the art world's biggest bullies. Those who formulate opinions about artworks that collectors disagree with have found themselves served with bogus libel lawsuits, forced to bear the financial burden of crippling lawyers' fees even when the suits get thrown out.

It's also been detrimental to art historical scholarship. In 2012, for instance, the Andy Warhol Foundation and the Estate of Jean-Michel Basquiat [stopped](#) providing certificates or opinions of authenticity in order to avoid any legal repercussions. That same year, researchers at London's Courtauld Institute of Art cancelled [a conference](#) about a group of alleged Francis Bacon drawings for the same reason. Thanks to the new law, that sad era in contemporary art may finally be relegated to the history books. The legislation covers any "person or entity recognized in the visual arts community as having expertise regarding the artist, work of fine art, or visual art multiple, or a person or entity recognized in the visual arts or scientific community as having expertise in uncovering facts that serve as a direct basis, in whole or in part, for an opinion as to the authenticity, attribution, or authorship of a work of fine art or visual art multiple."

That includes authors of catalogue raisonnés or other texts wherein an opinion about an artwork is expressed or implied. It excludes anyone who doesn't practice the trade in "good faith" — that is, anyone who stands to gain financially from evaluating an artwork (besides the standard authentication fees).

"Our art galleries and museums are an integral part of a successful tourism industry throughout New York State," Senator Betty Little, who sponsored the bill, said in a [statement](#). "A key component of the industry are highly skilled experts who provide opinions about the authenticity of works of art."