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Court decides former Dedalus Foundation board member was not fired for being a woman

Joan Banach's claims that she was wrongfully terminated have been dismissed

by [LAURA GILBERT](#) | 20 December 2016



Joan Banach

The Dedalus Foundation, established by the artist Robert Motherwell, won a legal victory against its former employee and board member Joan Banach on 13 December, when the New York state court dismissed her claim

that she was wrongfully fired because she was a woman. Earlier, the court had dismissed her claims that she was entitled to lifetime employment under Motherwell's will and that Dedalus had dismissed her because she challenged the foundation's authentication procedures and its chief executive Jack Flam.

As well as working closely with Motherwell at the end of his life, Banach was a member of the foundation's catalogue raisonné committee, which was seeking to identify all known works by the artist. According to court documents, Banach sold several works she said were gifts from Motherwell without informing Dedalus of their existence. She brought some to auction and others to galleries, including the now-defunct Knoedler gallery. Flam said he "was stunned because she was selling these works that we had no record of at all... She never informed anyone".

In rejecting Banach's claim of sex discrimination, the court ruled Dedalus had a legitimate business reason for terminating her: "It is not unreasonable that someone who is responsible for ensuring the accuracy and authenticity of Motherwell artwork and inventory would be terminated for not including her ownership of Motherwell artwork on that inventory".

The foundation's counterclaims for \$5m in damages and the Motherwells in Banach's possession have not yet been decided.

When Banach was fired in August 2008, the foundation was in the middle of a battle with the Knoedler gallery and its director Ann Freedman over a group of works she was selling that were purportedly by Motherwell, but which Dedalus said were fake. In an article [published in the New York Times](#), Banach claimed that Flam had engaged in a "malicious campaign" to remove her because of authentication disputes. Various members of the catalogue raisonné committee did not question the paintings when they surfaced one by one and they were gathering information, but the committee concluded they were forgeries when they viewed images of all seven side by side.

Flam ultimately brought his suspicions to the FBI. The agency's investigation resulted in the guilty plea of the Long Island dealer Glafira Rosales, who had brought 40 fakes to Knoedler. The 165-year-old gallery closed in 2011, just as the full extent of the scandal came to light.

"Dedalus has been completely vindicated", said Perry Amsellem, a lawyer for the foundation, of the recent decision. Banach's lawyer didn't respond to request for comment.