



The art of advocacy

Art lawyer Bonnie Czegledi has fashioned a unique legal career while battling to preserve cultural heritage worldwide.

By Emily White

As someone who describes herself as intensely visual, Bonnie Czegledi knew that she wanted to practise art law as early as the mid-1980s, when she was a student at Osgoode Hall Law School. Receiving nothing but discouragement when she voiced this idea to classmates and instructors, Czegledi, a painter herself, quickly realized that she “had to learn to think in unconventional ways.”

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Bonnie Czegledi, art lawyer, Toronto

One thing she began to do at once — while practising commercial law in Toronto — was take on *pro bono* files for her friends and colleagues in the art world: if an artist had his or her show cancelled, she negotiated the exhibit

back for them; if another artist needed an agreement about lending her work, Czegledi created one. She continued to paint — producing bright, beautiful canvases full of colour — and she began to create a community of like-minded lawyers.

“I created my own encouragement,” Czegledi notes. “I connected with people around the world who did this kind of work. I made that my reality.”

Working with groups such as the ABA’s International Art and Cultural Property Law Committee, pursuing professional development work at Harvard, lecturing at institutions such as the University of Lyon, and speaking to museums and art-collecting clubs in Canada, Czegledi finally reached the point where, in 2003, she could open her own practice, focusing entirely on the preservation of cultural heritage and the promotion and support of contemporary art and artists.

The passion she feels for her work is immediately apparent. The loss of cultural heritage — either in the form of art theft or the wartime looting of places such as the Baghdad Museum — is something that Czegledi

sees as a crime against everyone. “Cultural heritage holds the key to our past,” she stresses. She sees art as a way to understand the motivations and traditions of those who came before us. When art is destroyed or stolen, we fall farther away from understanding who we were and where we came from. “There’s so much more than just a monetary value attached,” she says.

To ensure that as much as possible of our cultural heritage is protected, Czegledi devotes a great deal of her practice to working with museums and collectors who want to ensure they aren’t buying Nazi-looted paintings or sculptures trafficked from war-torn nations. She verifies provenance, assesses for the possibility of fakes and forgeries, and ensures that the piece in question isn’t subject to import restrictions. She also advises on how museum staff should handle and administer art collections; she advises museum boards on their fiduciary duties; and she works with contemporary artists — who are creating the cultural heritage of the future — on issues such as the loan and gifting of their works.

Even during this recession, the trade in art has remained robust: legitimate auctions, such as the recent sale of the Yves St. Laurent collection at Christie’s, have shattered price records, with some items selling for as much as \$50 million.

But practising art law also involves working around the edges of the massive, \$6 billion/year trade in stolen pieces, and Czegledi has found herself confronting situations that don’t normally arise in the course of other practices. “I’ve received calls from people wishing to sell material from war loot lists. I’ve found myself reciting the *Criminal Code* to protect myself from being used in the process of dealing in stolen property.” She has also had to confront the murkier and more complex aspects of the human personality — such as the obsessiveness

of collectors who buy stolen items that can’t ever be resold, simply to satisfy their need to possess a work.

Some environmentalists describe themselves as spokespersons for the silent; Czegledi sees herself playing a similar role in relation to works of art. She has written the minister of defence, asking for the opportunity to brief soldiers headed to Afghanistan on the role they must play in protecting cultural heritage. She is also active in lobbying for the creation of a specialized Art Crime Team in Canada. Such a unit exists in the U.S., and Czegledi is adamant that “we need a similarly trained unit to investigate art crime across our country, where theft is rampant.”

Since starting her career in the mid-1980s, when she had no mentors and no clear path ahead, Czegledi has fashioned a practice that’s as vivid and unique as her art. The process has taken years — Czegledi refers to a “lost decade” in which she was trying to establish herself and make contacts — but she has emerged as a symbol of the important role a lawyer can play. Whether she’s advising other lawyers on issues of title, conducting due diligence for collectors, speaking to law or archaeology students, or working on the recovery of stolen art, Czegledi is constantly trying to draw attention to the need to protect our past.

“I always craved an interesting job,” Czegledi says. She’s now in a field that’s booming — new decisions, legislative initiatives, and international disputes are arising constantly — and she has advice for lawyers hoping to pursue a career that captures their imagination: “Ignore negativity. When you’re pioneering a new field, there will always be some professional ignorance and jealousy from those who say it cannot be done. Pay no attention.” ■

Emily White is a freelance writer in St. John’s.

Pour la défense du patrimoine

L’étonnant parcours de Bonnie Czegledi : une carrière peu conventionnelle.

Bonnie Czegledi a toujours su d’instinct que sa vocation était le droit de l’art, même si ses pairs et ses instructeurs lui offraient peu d’encouragements. Elle a rapidement compris que, pour réaliser ses ambitions, il faudrait qu’elle emprunte une voie peu fréquentée. Alors qu’elle pratiquait le droit commercial à Toronto en début de carrière, elle a commencé par offrir des services bénévoles au milieu artistique, aidant un peintre dont l’exposition avait été annulée ou négociant un contrat de travail pour un autre. Parallèlement, elle a continué à créer ses propres tableaux et à rencontrer des avocats qui partageaient sa passion pour l’art.

Après avoir travaillé avec des associations comme l’*ABA’s International Art and Cultural Property Law Committee*, acquis une formation à Harvard et donné des

conférences pour l’Université de Lyon, des musées et des clubs de collection d’œuvres d’art, M^e Czegledi a ouvert en 2003 un cabinet axé sur la préservation du patrimoine culturel et le soutien d’artistes.

Elle conçoit la perte du patrimoine culturel — vol d’œuvres artistiques ou pillage lors de guerres comme cela a été le cas pour le musée de Bagdad — comme un crime contre tous.

M^e Czegledi travaille donc avec des musées et des collectionneurs qui veulent éviter d’acquérir des peintures ou des sculptures pillées par les nazis. Elle en vérifie la provenance, évalue s’il s’agit de contrefaçons et s’assure qu’elles ne sont pas assujetties à des restrictions à l’importation. Elle conseille le personnel de musées sur la gestion des collections artistiques et leurs responsabilités fiduciaires.

Elle conseille également les artistes — les créateurs de notre patrimoine de l’avenir — sur les prêts et les dons d’œuvres.

M^e Czegledi a vécu des situations insolites en rapport avec le commerce annuel d’œuvres d’art volées évalué à 6 milliards \$. Elle a déjà reçu des appels de personnes désirant vendre des œuvres qui avaient été l’objet de pillages. Elle a répondu en invoquant les dispositions du Code criminel.

M^e Czegledi a développée une pratique aussi vivante et unique que son art. Elle est sollicitée par des avocats qui cherchent une opinion sur le titre d’une œuvre, elle partage son expertise avec des étudiants en archéologie, et s’active pour récupérer les œuvres volées. Elle a même écrit au ministre de la Défense nationale Peter MacKay en vue d’informer des soldats dépêchés en Afghanistan sur leur rôle de protecteurs du patrimoine culturel. Quelque soit la tâche, M^e Czegledi nous rappelle l’importance de protéger notre patrimoine. ■

— Yasmina El Jamaï