

In Conversation with Art Law & More

Esmee Wright

Becky Shaw is a Senior Associate at Boodle Hatfield in the firm's art law and commercial litigation teams. She has worked on cases including The Creative Foundation v Dreamland Leisure Limited and Others [2015], one of the first cases to look at ownership of street art and what it means for property laws. In this interview she talks about why she and Rebecca Foden set up the Art Law & More blog, what working through the pandemic has been like for the art world, and what emerging from it could look like.

Rebecca Foden is a Senior Associate at Boodle Hatfield. Although her practice spans many aspects of commercial litigation, she has achieved professional recognition in her work in art law, including working on the Caravaggio case Thwaytes v Sotheby's [2015]. In this interview, she discusses setting up the blog Art Law & More, the changes the pandemic has wrought on the art world, and why sharing this information not only with professionals but the public at large is important.

Becky Shaw and Rebecca Foden, senior associates at Boodle Hatfield, are highly experienced art lawyers. Shaw has worked on the return of the Banksy mural *Art Buff* to Folkestone.¹ Foden specialises in art litigation, and was involved in the well-publicised Caravaggio case *Thwaytes v Sotheby's*.²

Boodle Hatfield was founded in 1722, but its respectable heritage has not stopped it innovating. Shaw and Foden founded the *Art Law & More* blog, and during the pandemic it has let their firm stay in contact with the wider art scene. Shaw and Foden have both written long-form legal pieces for their firm's website, but when I spoke to them on Zoom, they emphasised how the shorter, less technical nature of blog posts lets them publish more often and on more topics. The blog, along with its Twitter and Instagram accounts, has let them connect not only with people looking for legal information, but also with artists, auctioneers, collectors, students, and casual browsers.

Shaw recalls that they were inspired by similar blogs, like the *Art Law Report* blog run by American firm Sullivan & Worcester.³ However, *Art Law & More* focusses on English cases and news, and features specialist contributors from the art world. These include museum professional Rachel Feldman and art historian Jasmine Clark.⁴ Contributors write up much of the news section, but also contribute wonderful extras. For example, the 'Strawberry Hill Treasure Hunt'

series followed art historian and provenance researcher Silvia Davoli as she prepared the eccentric Strawberry Hill House, built by Horace Walpole, for the 'once-in-a-lifetime exhibition' 'Lost Treasures of Strawberry Hill'.⁵ Walpole had a large furniture collection, but it had not been seen since it was disassembled and sold in 1842. The 2018–19 exhibition gathered its components and reunited them with Walpole's house. *Art Law & More* provides information for any readers who believe they own furniture from Walpole's collection, and the posts from the series will interest both future researchers and casual browsers.

The blog's Instagram page has been used to advertise Boodle Hatfield's arts sponsorships. For example, the firm has funded a prize for the Woolwich Contemporary Print Fair since 2019.⁶ In 2020, the firm was able to present it in person, but in 2021 it had to do so online, and its established online platform became very useful. The *Art Law & More* Instagram showcased the prints, including Maite Cascón's *Tricksters Tree I*, and the blog published interviews with printmakers shortlisted for the prize, including Virginia Bridge and Jake Garfield.

The COVID-19 pandemic has had a profound impact on the art world. Rosie Adcock, another member of Boodle Hatfield's art law team, was seconded to the Royal Academy's legal team and has continued to assist them remotely with pandemic-related issues. Shaw is a trustee to the De Morgan Foundation, an independent charity that displays and cares for the works of husband and wife William and Evelyn de Morgan. William De Morgan was a member

1 Boodle Hatfield, 'Becky Shaw' <<https://www.boodlehatfield.com/biog/becky-shaw/>>.

2 Professional Advisors to the International Art Market, 'Rebecca Foden' <<https://www.paiam.org/find-an-advisor/member-directory/members/rebecca-foden/>>.

3 (*Art Law Report*) <<https://blog.sullivanlaw.com/artlawreport>>.

4 'Contributors' (*Art Law & More*) <<https://artlawandmore.com/home-2/contributors/>>.

5 'Strawberry Hill Treasure Hunt' (*Art Law & More*) <<https://artlawandmore.com/category/strawberry-hill-treasure-hunt/>>.

6 Woolwich Print Fair, 'Prizes' <<https://www.woolwichprintfair.com/prizes>>.

of William Morris' Arts and Crafts circle, while Evelyn is best known for her spiritual, feminist Pre-Raphaelite paintings. Like many other art organisations, the Foundation had money problems as a result of the pandemic: it struggled to secure loans, and it was forced to cancel exhibitions. However, it was helped by ticketed online talks, which gathered speakers and viewers from all over the world.

Similarly, *Art Law & More* let Boodle Hatfield maintain its connections when in-person and informal meetings became impossible in March 2020. It did so through a series of interviews with notables of the commercial art world, called 'A View from the Market'. The interviews have become a time capsule from 'Lockdown One', especially from April and May 2020, and Foden has enjoyed seeing whose predictions were the most accurate. For example, Sarah Hardy, curator-manager of the De Morgan Foundation, predicted that the digital art audience will remain powerful after the pandemic.⁷ It is highly international, and its members have been able to appreciate culture more in the pandemic than they would have otherwise. Her prediction is probably accurate.

Online platforms have never been more important than during the pandemic. Jet-setters have found themselves grounded, and interior decorating and auction houses have provided a source of entertainment. One of Foden's clients has had unprecedented success selling soft furnishings and antique rugs. Online auction technology has advanced rapidly, but smaller auction houses have struggled, and even Christie's has cut archive staff.⁸

The decrease in travel has dramatically reduced footfall in Mayfair, a hub of small galleries. The area's exorbitant rents had already forced out the twenty-first-century art gallery Blain Southern in February 2020.⁹ How many more will go under when the furlough scheme ends and Mayfair rents return? The market has been innovative in response to these challenges. Many galleries have discovered the value of online sales during the lockdowns, and many are considering whether rent, once an assumed cost of a business, is necessary. Yet for many people, looking at artwork on a screen or attending an exhibition on Instagram will never match doing so in person. Foden visited Cromwell Place,¹⁰ a stretch of townhouses in South Kensington that offers short-term exhibition spaces to rent. Such spaces are a compromise between the isolation of the online experience and the high costs of a permanent physical base.

Despite these successes, we look forward to the return of in-person exhibitions and interactions. These are foundational to the world of art law. However, even once normality has in some form been restored, spaces like *Art Law & More* will prove new necessities.

Esmee Wright is a final-year undergraduate in Modern and Medieval Languages at Murray Edwards College, Cambridge, specialising in medieval French and Russian. She has written and edited for a number of student and professional publications, focusing on the arts. She has been an Associate Law Editor at *CJLPA* since the start of 2021.

7 'A View From the Market—Q&A with Sarah Hardy, Curator-Manager at the De Morgan Foundation' (*Art Law & More*) <<https://artlawandmore.com/2020/04/23/a-view-from-the-market-qa-with-sarah-hardy-curator-manager-at-the-de-morgan-foundation/>>.

8 'Christie's closes access to historic archive due to staff cuts' (*The Art Newspaper*) <<https://www.theartnewspaper.com/news/dealers-and-academics-mourn-suspension-of-access-to-christie-s-huge-archive>>.

9 'Blain Southern goes into administration as artists reveal debts owed by gallery' (*The Art Newspaper*) <<https://www.theartnewspaper.com/news/blain-southern-artists-reveal-debts-owed-by-closed-gallery>>.

10 Cromwell Place <<https://cromwellplace.com/>>.