

ctly Business

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photos

clockwise from lower left: Rusty "The Logger" DeWees; Kris Kristofferson prepares with a fellow actor during filming of director Jay Craven's "isappearances" in Barre; an independent movie is filmed at Barre Opera House; and Fred Tuttle visits Washington, D.C.

STAR POWER

ere's a little Hollywood
n the Green Mountains

RICK TIMOTHY MULLIKIN

In all fairness, though, thanks should also be given to silent screen actress Lillian Gish who nearly 80 years earlier, in 1919, filmed scenes for D.W. Griffith's "Way Down

Then there's turbo-charged Rusty "The Logger" DeWees.

Musically, nothing matched Phish, pound for pound, for promoting the state. In Phish's

Cows, maple sugar, the localvore movement, yes. But Vermont as East Coast entertainment capital?

For its size, just over 600,000 people, ranked among 0.615

Legal issues

The finer points of art and the law

BY MICHAEL ROOSEVELT

As artists and crafts people across Vermont are getting ready for the Vermont Crafts Council's 16th Annual Open Studio Weekend on May 24 and 25th, it is appropriate to mention legal issues that apply to artists and crafts people; their investors, collectors, and dealers.

Most artists function as sole proprietors or small entrepreneurs. They often must make a choice between producing their work or promoting their work. Few have the luxury of organizing their assets, marketing their work, and reaping the benefit of their creations, let alone considering what might happen to their work in the future or to their own legacies. In this regard they are much like everyone else.

Illustrating this problem: At last year's annual meeting of the Vermont Crafts Council, I noted a discussion of proposals to inventory and chronicle individuals who have contributed to the Vermont crafts "scene" over the years. Some of the most influential ones have already passed away. Without this effort, many will be forgotten.

As artists we may believe that our immortality is wrapped up in our work, and that work will increase in value after our deaths. Regrettably, this may be a myth. Lerner and Bresler, writing in their definitive three volume, 2,291 page work, Art

Law², state, "Surprisingly and contrary to popular belief, the death of an artist generally decreases the value of the artist's art, because the artist is no longer alive to prompt and assist in the sale of the art. Collectors love meeting and talking with artists, and doing so is no longer possible after the artist's death."

Over 40 years I have seen this phenomenon first hand in Europe and the United States. My wife, a painting conservator, is currently working on a collection of hundreds of paintings by an artist who died in 1960 and whose work has not been shown since then. In his day he exhibited widely, and at the time of death his work was relatively highly valued.

Today, thanks to no estate plan or ongoing promotion, he is virtually unknown and his work, although intrinsically valuable, lacks the steady record of sales needed to maintain and enhance the value of his work and preserve his legacy.

What are the legal questions that an artist, or perhaps an heir or collector, should consider?

It is important that artists have a realistic picture of what they will be leaving behind for their executors or heirs to deal with. As with any person with significant assets, every artist (and collector) should have a well-crafted estate plan and a valid current will.

Once that issue is handled, artists should review the following (not comprehensive) list to see if they are reaping the full benefits of their efforts, as well as protecting themselves in this ever-litigious world:

Contractual relations involved with the sale of work: Do you have a written, well-crafted agreement?

Warranties related to work: Even if you do not provide a warranty, there may be implied warranties by operation of law.

Are you protecting your work from forgeries and fraud? Should you? Are you familiar with your rights in terms of copyrights? Reproductions? If your work exists in multiples (editions of prints, sculpture, etc.) are you familiar with questions of originality and how to protect or certify originality?

If your work presents controversial social or political viewpoints, do you know your rights under the First Amendment?

These are just a few of the legal issues that can crop up in the world of the arts. It behooves everyone involved to be well informed about them. Nothing can eat up creativity, energy, time, and resources like dealing with unforeseen legal issues related to art work.

Michael Roosevelt is an artist and printmaker, and a law clerk with Deborah T. Bucknam & Associates, PC, St. Johnsbury.