SYLLABUS
Law and the Arts

Spring 2016
Professor Liemer

learning objectives:
After taking this course, you should be able to:
• identify and analyze key legal issues in the art world today, in the United States and abroad,
• protect certain unique legal interests of artists and arts organizations, and
• appreciate how the law can be used to encourage creative work and support the values of the arts.

While the focus of the course will be on the visual arts, most of the concepts covered also will apply
to the performing arts and literary arts, and often examples will be given from these different fields.

required text:

course logistics:
The class will meet on Tuesdays and Thursdays from 3:00 - 3:50 p.m., in room 104i. The online
platform used for the course will be D2L. Most reading assignments will be in the required
textbook. For any reading assignments not in the textbook, copies will be provided in class and
posted on D2L.

assessments:
Your learning in this course will be assessed via your participation in the class sessions, a news
assignment, the Writing Across the Curriculum (WAC) assignment, and the final exam. You must
complete all assessments to pass the course.

participation:
At each class meeting, you may earn one point toward your course raw score by actively
participating in our class discussion, based on my judgment of the quality and quantity of your
contribution. Simply being present in class, without participating, will not earn you a participation
point. As per the law school’s rules, a student who misses more than four hours of this two-credit
course will not be able to sit for the final exam.

news assignment:
Each class session will start with a five minute student report of a current art law related news
article. A sign-up sheet will allow you to choose which day you will give your report. You may find
your news item in any print or online source. Please leave me a hard copy of your article or send me
a link to it online, no later than one hour before class, so I can provide copies to the rest of the class.
You may earn up to two points toward your course raw score on this assignment.

WAC assignment:
For the WAC assignment, you will write out the position of the country you will be representing
when we hold a mock United Nations forum in class on a dispute concerning the international
repatriation of art. This short (about two pages, single-spaced) policy paper will require some
independent research, and it will meet the law school’s WAC requirement for this course. You will
receive more specific instructions on this assignment closer to the day of the forum. You may earn up to five points toward your course raw score on this assignment.

**final exam:**
The final exam for this course is scheduled for Tuesday, May 3rd, at 1:15 p.m. It will be a two-hour, essay-style, final exam. Any material covered in the reading assignments or class discussion may be tested on the exam. You may earn up to ninety points toward your course raw score on the exam.

**classroom electronics:**
The basic rule during class is no electronic grazing. This rule applies to your use of laptops, smartphones, iPads and other tablets, and all other mobile or wireless devices. Use of these devices in class is limited to class note taking and research related to the classroom discussion. Unauthorized use of electronics may result in a loss of the privilege of using them in class for the remainder of the semester. Unauthorized use during class includes texting, e-mailing, gaming, shopping, and accessing sites not related to the classroom topic. Please turn off cell phone ringers and texting functions before class begins.

**recording:**
Students may not record the class sessions without the professor's permission. If you feel you need a recording of a class session due to exceptional circumstances, ask the professor teaching that session well in advance for permission.

**emergency procedures:**
SIUC is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, you should become familiar with the SIUC emergency response plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in campus buildings, at http://www.bert.siu.edu, at http://www.dps.siu.edu, and in the Emergency Response Guidelines pamphlet. You should know how to respond to each type of emergency. Instructors will guide and direct students in the classroom if an emergency affects your location. Follow their instructions, and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will assist your instructor if you need to evacuate or shelter in the building.

**accommodations & assistance:**
The SIU Disability Support Services office determines and provides academic support services for students with permanent and temporary disabilities. To receive accommodations, go to the DSS office, http://disabilityservices.siu.edu/. There you will have an interview, have your documentation reviewed, and complete a Disability Accommodation Agreement. Give that agreement to the School of Law Registrar, who arranges classroom and exam accommodations. If you do not have documentation, you should still start at DSS for assistance.

Saluki Cares is a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. You can reach Saluki Cares at 618-453-5714, siucares@siu.edu, or http://salukicares.siu.edu/index.html. School of Law Assistant Dean Judi Ray will also help you access university resources. You can contact her at judiray@siu.edu, 618-453-3135.
**Assignment for first class:**
Tuesday, January 19

Class topic: What is art?
Prepare for class: read pages 3 to 21 in the textbook
Note: a copy of the textbook is on reserve in the law library.

**Course topics:**

_A How does the law define art?_

- What is art?
- Who is an artist?
- fake
- forgeries

_B. How does the law protect art?_

- stolen art
- adverse possession of art
- mock U.N. forum on repatriation of art
- museum trusts & trustees
- museum acquisitions & de-accessioning
- other museum issues (guest speakers from the University Museum)

_C. How does the law encourage art?_

- First Amendment
- copyright
- artists moral rights
- art auctions
- tax law & estate planning considerations (guest speaker, Prof. Drennan)

**Field trip:**
There will be a field trip to the University Museum archives in lieu of class on Tuesday, April 5th. The archives are just a five minute walk from the law school, on McLafferty Road, or you can drive and park there free of charge. Access to the archives is by special permission only, so please calendar this trip now and make sure you do not miss class that day.