

## Dean Nicyper

PARTNER | NEW YORK

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### Dean is a partner in the litigation and arbitration team.

He focuses on commercial disputes, contract disputes, art law, intellectual property, fiduciary liability, product liability, private company investor disputes, and securities litigation and investigations. Dean also has litigated matters involving mergers and acquisitions, the First Amendment, media, constitutional law, and environmental contamination. He has handled trials and cases in federal and state courts around the United States. In addition, Dean has negotiated and drafted many agreements in art and intellectual property transactions. Dean led the US Dispute Resolution division from July 2015 to June 2022.

Among his various clients, Dean has successfully represented one of the two largest art auction houses in dozens of lawsuits covering a broad range of art law-related issues, such as the authenticity of works of art, art fraud, auction law, consignment obligations as well as rights and obligations of parties in loan transactions where works of art have been pledged as collateral. His experience also has expanded to include blockchain and technology based art authentication as well as artificial intelligence art generation issues. Dean has represented artists and their families and foundations, art dealers and agents, art collectors, and art appraisers in many art-related disputes. He was lead counsel in the initial cases uncovering the two largest art fraud scandals in the past 20 years, and counsel for victims of two of the other largest art fraud scandals. In addition, Dean provided the leadership as chair of a bar association committee that resulted in the drafting and enactment of New York legislation detailing the rights and obligations of dealers and artists in art consignment relationships. He held the position as Chair of the Art Law Committee of the New York City Bar Association from June 2013 to June 2016.

Dean also has extensive experience in product liability litigation around the country. Court TV relied on his product liability expertise, having him appear several times as a commentator for featured product liability cases.

He also represented large investment institutions in connection with investigations by the Securities and

Exchange Commission, as well as in private civil actions. He additionally has extensive experience defending clients against securities law claims.

Dean's environmental litigation experience has primarily involved groundwater contamination, soil contamination and hazardous waste issues. He has handled large Superfund cases as well as responses to state and federal environmental investigations around the country.

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## Talks

- 'What is Art Law?,' New York Law School MEFLA Event - November 30, 2022, speaker
- 'Art Lunch Talk - Artist-Dealer Relationships: Reading the Fine Print,' The Center for Art Law - June 6, 2022, speaker
- 'Lessons Not Learned, Fraudsters in the Art Market,' Center for Art Law - March 10, 2020, speaker
- 'Uncovering Looted Antiques,' New York City Association of the Bar - October 24, 2019
- 'Art Law Mixer @ VLA- Getting Real: Authenticity and the Law,' Volunteer Lawyers for the Arts, New York, NY - June 11, 2019
- 'Art transactions: Hidden risks,' Withers event (New York) - January 24, 2019, speaker
- 'You've Been Served: "Jean-Michel Basquiat: The Radiant Child" (2010),' Center for Art Law - May 22, 2018
- 'Off the Wall: Legal Issues Involving Street Art,' New York City Bar Center for the CLE Programs - November 02, 2017
- 'Rethinking Art Authentication,' Art Law Committee of the New York City Bar Association - December 2015
- 'Updates: Art Authenticity Legislation,' Art Law Day, Appraisers Association of America and NYU School of Professional Studies - November 2015
- 'Art Law: Authentication, Past and Present Proposed Legislation,' New York City Bar Center for CLE - November 2015
- 'Updates on Art Authentication and Attribution: Policy and Technology,' The Aspen Institute, 2015 Artist-Endowed Foundation Leadership Forum - October 2015
- 'Art Authentication and Consignment Risks and Obligations,' CLE for New Jersey Legislative Offices - April 2015
- 'Developments in the Law Concerning Good Faith Purchasers of Art,' Hot Topics in Art Law, New York City Bar Center for CLE - November 2014
- 'Buyer Beware Seller Beware Authentication and Consignment Risks and Rewards,' Rago Arts and Auction Center Open House - May 2014
- 'Hot Topics in Art Law 2014,' Association of the Bar of the City of New York - March 2014
- 'Authentication: Restoring Voice to Scholars,' New York State Bar Association, Entertainment, Arts & Sports Law Section - February 2014
- 'Authentication: Restoring Voice to Scholars,' The Catalogue Raisonné Scholars Association - February 2014
- 'Artist Dealer Relationships,' Parsons The New School for Design - November 2013
- 'Issues With Artists, Post-Post Disaster,' Appraisers Association of America, Art Law Day - November 8, 2013
- 'Authentication and VARA: Opinions, Liabilities and Protections,' DeWitt Stern Fine Art and Artnews Forum - May 2013
- 'Duty of Care: Hidden Authentication Issues,' Appraisers Association of America, Art Law Day - November 2011
- 'Sex, Art and the First Amendment,' The Ever-Changing Legal Canvas by Art Law & Culture Society, Cornell Club - April 2010
- 'Legal Issues in a Down Market,' Appraisers Association of America, Art Law Day - November 2009
- 'When Consignments Fail; Salander O'Reilly Galleries, A case in Point,' Visual Arts & the Law, San Francisco - October 2009

- 'The Law of Bailments and Consignments in Art Transactions,' Art Litigation and Dispute Resolution Institute, New York County Lawyers Association - November 2008
- 'Developments in the Law Concerning Looted Art and Antiquities and Their Effect on Art Dealers and Collectors', New York City Bar Program, 'Acquiring Art and Antiquities: What Every Seller and Acquirer Must Know', New York - November 30, 2006
- 'Collectors' Rights and Risks,' UBS Art of Leadership Series, UBS - November 2006
- 'Maintaining the Integrity of Electronic Records and Using Them in the Courtroom,' Changing Face of Risk Management Forum, San Francisco - April 2001
- 'Maddox v. Brown & Williamson,' Courtroom Television - June 2, 1998
- 'Maddox v. Brown & Williamson,' Courtroom Television - May 2, 1998
- 'Prime Time Justice,' Courtroom Television - July 31, 1996

## External publications

- 'Has a US law created to safeguard artists' work backfired?,' The Art Newspaper - September 23, 2024, quoted
- 'Sotheby's Wins Suit by Russian Billionaire Over Art Fraud,' Bloomberg - January 30, 2024, quoted
- 'Fraud, or Just a Bad Deal? Oligarch and Sotheby's to Battle in Court Over Rarefied Art Trade,' Wall Street Journal - January 7, 2024, quoted
- 'Decade(s) Later: New York Arts & Cultural Affairs Law 12.01,' Center For Art Law - October 23, 2023, co-author
- 'Supreme Court Ruling on Warhol's 'Prince' Sparks Global Hunt Among Collectors,' The Wall Street Journal - June 12, 2023, quoted
- 'Did the Supreme Court's Warhol Decision Further Complicate Copyright Law? Experts Weigh in on the Verdict's Ramifications,' Artnet News - May 26, 2023, quoted
- '10 and 56 Years Later: New York Arts and Cultural Affairs Law 12.01,' NYCBA Entertainment, Arts and Sports Law Journal - Spring 2023, co-author
- 'Do You Own Your Art?,' Arts & Collections - June 2022, co-author
- 'The U.S. Supreme Court Will Decide Whether Andy Warhol Violated a Photographer's Copyright by Using Her Image of Prince Without Permission,' Artnet News - March 28, 2022, quoted
- 'Obsessed With the 'Bad Art Friend' Case? We Are, Too. Here's How a Recent Art Copyright Decision Could Shape the Outcome,' Artnet News - October 7, 2021, quoted
- 'Withers global art team recognized by Chambers 2021 HNW guide,' Withers Insight - July 23, 2021, co-author
- 'US Appeals Court rules Andy Warhol Foundation violated copyright - its effect on collectors and museums,' Withers Insight - April 1, 2021, author
- 'Jewish-Owned Art Sold in Nazi Era at Center of SCOTUS Case,' Bloomberg Law - December 7, 2020, quoted
- 'The Art Market Adjusts: Managing contractual obligations in uncertain times - US and UK,' Withers article - April 17, 2020, co-author
- 'The Art Market Adjusts: Protecting consigned artworks from creditors,' Withers Insight - March 30, 2020, co-author
- 'How Anti-Money Laundering Legislation Could Impact the Art Market,' Artsy - April 30, 2019, co-author
- 'Art Market May Be Asked to Reveal What's Behind the Curtain With Proposed Legislation,' New York Law Journal - March 29, 2019, co-author
- 'When private fights over millions become public (things get ugly),' The New York Times - February 8, 2019, quoted
- 'Mary Boone Pleads Guilty to Tax Fraud,' The Art Newspaper - October 2018, quoted
- 'Judge Throws Out Closely Watched Lawsuit Against Agnes Martin Authentication Committee,' Artnet News - April 5, 2018, quoted
- 'After 5Pointz, Can Artists and Developers Ever Work Together Again? Experts Lay Out the Way Forward,' Artnet News - March 7, 2018, quoted
- 'US prosecutors focus on antiquities,' Withers article - February 26, 2018
- 'Graffiti Gets Paid at 5Pointz. Now What?,' The New York Times - February 20, 2018, quoted
- 'A Landmark Court Case Affirms That Street Art is High Art,' Quartz - February 15, 2018, quoted

'Graffiti Artists Awarded \$6.7 Million for Destroyed 5Pointz Murals,' The New York Times - February 12, 2018, quoted

'Why would the De Soles settle their claim against Knoedler and Freedman?,' The Art Newspaper - February 11, 2016, quoted

'Have Multi-Million Dollar Forgery Scandals Changed the Art Market for Good?,' Artsy.net - October 2015, quoted

'What You Do Not Know About Art Consignment Laws Will Surprise You,' NYSBA Entertainment, Arts and Sports Law Journal - Fall/Winter 2015

'Rights of Lenders Accepting Works of Art as Collateral,' NYSBA Entertainment, Arts and Sports Law Journal - Spring 2006

'Seller Beware: Rights in Works of Art Used as Loan Collateral,' New York Law Journal - February 2006

'New Law Limits Liability For Year - 2000 Disclosure,' The National Law Journal - November 1998

'Attorneys' Fees and *Ruckelshaus v. Sierra Club*: Discouraging Citizens From Challenging Administrative Agency Decisions,' The American University Law Review - 1984

## Admissions

State of New York, 1986

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## Education

American University, Washington College of Law, magna cum laude, J.D.

Marlboro College, cum laude, B.A.

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## Languages

English

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## Memberships

Marlboro College

Art Law Committee of the Association of the Bar of the City of New York

American Horse Trials Foundation, Inc

American Bar Association

Copyright Society of the United States

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## Key dates

Year joined: 2014

Year became partner: 2014

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