
The Expert's Corner

Off Site Art Storage



Storage facilities often release artwork on behalf of their clients including private collectors, galleries, museums and foundations. It is crucial that guidelines be mutually established at the outset and followed by both the storage facility and the clients.

1. Require the storage facility personnel to only release artworks on your behalf with explicit instruction in writing. Determine whether or not e-mails will be sufficient, and be sure that the warehouse only accepts confirmations via e-mail from an address already on file.
2. Request a condition report before a work is released to an auction house or gallery or shipped long distance. If any damage occurs in transit, this will provide you with a clear record of condition prior to shipment.
3. Have a discussion with the storage facility personnel about the packing of a work. If a work was transported locally to the

warehouse, it may not be appropriately packed for long distance shipping. If a work was delivered on a truck, it might not be packed correctly for shipment via air. The storage facility personnel should have a record of any extra information about the piece that could be beneficial for your shipper to know, i.e. the work should lay flat, it is framed under glass, etc.

4. Have a storage inventory list that works! This requires making sure that artworks are correctly labeled when received into your storage facility. Ask for an updated inventory list and be sure to agree on titles of works, edition numbers, etc. Works are often released with haste, and you do not want to waste time trying to decipher an outdated inventory list.

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Cover photo of Cristin Tierney, www.cristintierney.com, courtesy of Alois Kronschlaeger.

DeWitt Stern
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DeWitt Stern's quarterly newsletter, your source for insurance issues affecting the art community. To be removed from or to add someone to the mailing list, please email fineart@dewittstern.com or call 212.297.1449.

fine art insurance insider



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Confidentiality in Art Transactions

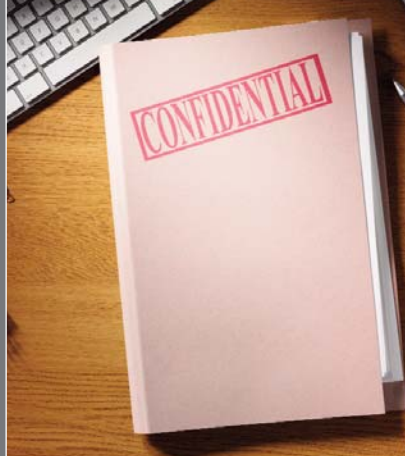
On November 17, 2010, John Cahill of Lynn & Cahill LLP spoke at the Dealer Forum event at the Museum of Arts and Design about the importance of confidentiality in Art Transactions and ways to maintain it. Here are a few tips we learned:

1. Cultivate good privacy practices within your business by using code names for clients, emphasizing confidentiality with staff, and making sure your privacy technology is up-to-date and well-maintained.
2. Craft a Document Retention Policy if you don't have one already; make sure your employees are aware of the policy and understand their responsibilities and your staff about international privacy laws.
3. Carefully document all art transactions in writing with clear, specific language, making sure to outline disclosure rules.

4. If necessary, consider using an attorney. This can be handy if confidential information needs to be put in escrow or if client information needs to remain "for attorney's eyes only".
5. Remember that your first responsibility is to protect yourself. Consider getting indemnities from your clients, never keep something confidential if it is illegal to do so, and make sure everyone involved is aware of and in agreement about any confidentiality restrictions.
6. Consider confidentiality alternatives such as Noncircumvent Agreements or Nondisclosure Agreements.

For full details and handouts from John Cahill's lecture please visit the Fine Art section of our website, www.dewittstern.com.

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2010-11 Dealer Forum Series

All events will be held at The Museum of Arts and Design, NYC, 8-10am.

March 16th

Health Benefits for Galleries and Museums
Speaker: Jane Efrogmson, DeWitt Stern

May 18th

What happens when you do not get your artwork or your money?
Speaker: Dean Nicyper, Flemming, Zulack & Williamson

If you are interested in attending any of these sessions, contact: Mary Pontillo at mpontillo@dewittstern.com or 212.297.1449.

Art Basel Miami

Three DeWitt Stern executives attended the fair. Their favorite works from the show are as follows:

Steve Pincus
William Shearburn Gallery
Bernar Venet
Barry Friedman Ltd.
Ingrid Donat

Michele Deninno
Woolff Gallery
Susila Bailey-Bond
James Cohan
Folkert de Jong

Mary Pontillo
Mary Ryan Gallery
Jiha Moon
Edward Tyler Nahem
Lane Twitchell



Jiha Moon

Cheshire Cat, 2010
Ink and acrylic on Hanji paper over panel
12 x 12 inches

Image courtesy of Mary Ryan Gallery, NYC

Ocean Shipments – Tips for Successful Transit

1. Plan ahead. Allow at least two to four weeks for transit when shipping via sea.
2. Have your documentation in order. Shipments coming into the United States are highly scrutinized and require all paperwork in order to clear customs.
3. Ensure that temperature sensitive works are not shipped via sea. Ocean shipping containers are susceptible to the elements and it is almost impossible to control the temperature inside these containers. The containers can leak and items inside can become moldy.
4. Require that your customs broker obtain under deck placement for your containers. You do not want your work "on deck."
5. Decide what works are best suited for ocean shipments. Consider only shipping sturdy stone, rock, and some metal objects via sea.
6. Unlike air cargo shipments, you are not guaranteed to oversee your container's placement on the ship. You have to count on your customs agent to take care of this part of the process for you.
7. Similar to airlines, port workers can strike. Ensure that you keep up with the latest news in the area you are shipping from to ensure that there are no pending port workers' strikes, which could further delay your ocean cargo shipment.

Tips provided in consultation with Larry Giacoletti, Registrar and Collections Manager, The Isamu Noguchi Foundation and Garden Museum.

