



*Unfinished Business  
Of the Twentieth Century*

**“FROM TRAGEDY TO TRIUMPH:  
THE DEVELOPMENT OF AMERICAN LOOTED ART-  
FROM A LEGAL AND PRACTICAL PERSPECTIVE-  
ALTMANN, BENNINGSON, VON SAHER AND THEIR  
PROGENY”**

Donald S. Burris, Esq,  
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Looted Art, Cultural Property and Repatriation

## TABLE OF CONTENTS

I. Lecture Presentation .....	4
II. Donald S. Burris Curriculum Vitae.....	27

### **Exhibits I through XIV**

I.	Depictions From Slides Relating To Looted Art Cases
II.	Donald S. Burris and E. Randol Schoenberg, <i>Reflections on Litigating Holocaust Stolen Art Cases</i> , 38 Vanderbilt Journal Of Transnational Law 1041 (October, 2005)
III.	Donald S. Burris, "From Tragedy to Triumph in the Pursuit of Looted Art: Altmann, Benningson, Portrait of Wally, Von Saher and Their Progeny", John Marshall Law Review March, 2016
IV.	<u>Bennigson v. Alsdorf</u> , (B168200, 2004 Cal. App. Unpublished. LEXIS 3681)
V.	<u>Republic of Austria v. Altmann</u> , 541 U.S. 677 (2004)
VI.	<u>Vineberg v. Bissonette</u> , 548 F.3d 50 (1st Cir. 2008)
VII.	<u>Cassirer v. Kingdom of Spain (most recent District Court ruling dismissing the action)</u> , Case No. CV-05-3459-JFW (Ex) (Judge John F. Walter (June 4, 2015 C.D. California)
VIII.	<u>The Museum of Fine Arts Boston v. Seger-Thomschitz</u> , 623 F.3d (1 <sup>st</sup> Cir. 2010)
IX.	<u>Von Saher v. Norton Simon Museum</u> , 592 F.3d (9 <sup>th</sup> Cir. 2010) (Initial Court of Appeals ruling)
X.	<u>Von Saher v. Norton Simon Museum</u> , 754 F.3d 712 (9 <sup>th</sup> Cir. 2014) (Second Court of Appeals ruling).
XI.	<u>Von Saher</u> (subsequent District Court ruling) (2015)
XII.	<u>Von Saher</u> (most recent District Court ruling dismissing the case on defendants' summary judgment motion) (August 26, 2016)
XIII.	"Governor Schwarzenegger Returns Holocaust- Era Artwork to Heirs of Jewish Family," <u>Los Angeles Times</u> (April 13, 2009)

- XIV. “*Vienna Museum Director Quits in Nazi Looted Art Row*”, Reuters News Service  
(republished on the internet) (October 30, 2013)
- XV. (A–H) Various articles published in the press and on the Internet regarding recent developments in the looted art context, including the discovery of multiple valuable items in a Munich apartment.
- XVI. Article by Eva Rosenberg entitled Does “The Woman in Gold” pay taxes? Market Watch (May 2, 2015).

## I. LECTURE PRESENTATION

### A. INTRODUCTION

I was very much honored to have been invited to discuss my (and my firm's) work as a "looted art attorney" on behalf of victims of the Holocaust and their families who have had valuable family art treasures stolen from them by the Nazis, the most malevolent art thieves in recorded history. At the same time, I am humbled by the thought of how courageous and resourceful many of our clients (and their deceased relatives) had to be to endure, and in too few instances to survive, the Nazi era and still be willing to fight for their post-World War II property rights.

The Nazi program for the confiscation of valuable art from the vast number of conquered territories, and from the Jewish people in particular, has accurately been characterized as the greatest displacement of art, if not the most audacious property crime, in human history. Indeed, the aggregate number of works stolen by the Nazis during World War II from both museums and private collections throughout Europe, and with a particular emphasis on looting Jewish-owned art, is astounding and it should be borne in mind that this wholesale pillaging was carried out as an **official and systematic Nazi policy**, and not as an accidental byproduct of war. Much of the best of this looted art was intended for the special and mammoth "Führermuseum" that Adolf Hitler, whose own dreams of an art career had been rejected by his teachers at a critical stage, was planning to build in his hometown of Linz, Austria. Other valuable works were seized by evil Nazis such as Herman Goring, who made many well-known trips to the Jeu de Paume in Paris to select art to enhance his massive private collection at his "Carinhall" estate in Germany.

Another purpose of the looted art was "to use so-called 'degenerate' art works as bargaining pieces to trade for art deemed worthy of possession." See Emily A. Graefe, The Conflicting Obligations of Museums Possessing Nazi-Looted Art, 51 B.C.L. Rev. 473 (2010). The term "degenerate art" was in fact derived from the German term "entartete kunst," and was meant to apply to virtually all "modern art," including valuable works by masters such as Van Gogh, Chagall, Max Beckmann, Matisse and Picasso! Id. The term became virtually a

household word in Germany due to the 1937 Munich exhibition which featured over six hundred and fifty (650) banned and seized paintings, sculptures, prints and books, and which ultimately travelled to eleven (11) other major German cities. Shortly after the exhibition opened in Munich, another evil Nazi, Joseph Goebbels, ordered a more comprehensive seizure and exhibition of modern art, resulting in the looting of an additional 16,558 works, and an alternative exhibition of painters favored by the Nazis. Ironically, the degenerate art exhibitions, which were designed by the Nazis to cause revulsion among the German art community and general populace, ended up drawing over three times the number of visitors who attended the official exhibition of the government approved artists! On a mere recent note, the Jewish Museum, a leading New York museum hosted a well-received program featuring a large collection of the “degenerate” art from this period.

Although the lootings commenced concurrently with the initial seizure of power by the Nazis in the early 1930’s by the Nazis, it was not until 1941 in conjunction with the Blitzkrieg through Europe, and ultimately through occupied Russia, that the Nazis “turned their art-looting operation into a smooth-running machine” with the assistance of the “Einsatzstab Reichsleiter Rosenberg,” often referred to as the “ERR,” (See Alan Ryding, And The Show Went On (Knopf 2010) at p.163), which was the official processing group processing many of these works through its Paris headquarters located in a former Jewish library in the Pigalle area of Paris. A significant number of these works were in turn inventoried at the Jeu de Paume Museum in central Paris and often traded using galleries and individuals in France, to some extent other entities and individuals in neutral Switzerland and even friendly galleries in the United States.

To put this property crime in historical perspective, reliable government sources have estimated that Nazi soldiers and their agents during the Nazi era of art looting (i.e. generally recognized as the period between 1933 and 1945) seized or forced the sale of at least approximately *one-fifth* of all Western European art then in existence. Other commentators have suggested the figure may be as high as one-fourth or even one-third of such art. If other types of cultural artifacts are also included in the totals, the aggregate value of the items of stolen property runs into many millions of dollars. In fact, this value has been suggested by at least one commentator said by at least one commentator to exceed the total value of all of the artwork held in the United States in 1945 with its aggregate value estimated to have been \$2.5 billion at the

time, or approximately \$20.5 billion using current values! Finally, this estimate preceded the massive amount of art works identified in 2013 as having been located in a Munich, Germany apartment, reportedly as much as 1400, which works have been preliminarily estimated by some commentators upon their discovery to in the aggregate be worth as much as an additional \$1.4 billion, again using current values.

It has been suggested by art historians that perhaps in excess of 100,000 artworks stolen by the Nazis have still not even been located, let alone properly catalogued. One of my good friends and non-lawyer colleagues, Mark Masurovsky, a leading Holocaust historian, is in the process of updating an ongoing and detailed database of known looted properties not yet recovered and has already compiled a list containing details regarding in excess of 20,000 items, consisting of art works and other items of personal property. Finally, there is no better evidence of the timeliness of this subject matter than the facts that: (i) several of the news clippings and internet references included in the exhibits to this presentation refer to actions undertaken within the past few years; (ii) the Ninth Circuit's most recent and positive decision in our so-called "Desperate Housewives" Von Saher case (also discussed in detail below) was announced in August of 2014.; and the final exhibit in the materials refers to an Italian fraud case just recently discovered.

Many of these looted artworks ended up in American private collections or museums, at least in some instances as the result of the work of the "Monuments Men," the subjects of George Clooney's film. Unfortunately, the ultimate repatriation of these returned works to the rightful owners or their families was generally left to the goodwill of the post-war governments. Relatively few claims were historically and successfully made and resolved in the United States in the immediate post-war era. In addition, many valuable works were retaken by local civilians or ordinary American and other Allied soldiers and intentionally or inadvertently kept on residential or business walls or stored away in places far from their original homelands.

The relatively small group of American lawyers who like myself work in this area have on behalf of the Holocaust victims (and their families) been doing all we can to locate the current possessors of these works as the search of the provenance of potentially looted art continues to become more sophisticated and more accurate. As a lawyer, I have over the many years that I have practiced in this area observed a growing (but unfortunately not universal) recognition in

international law and among the members of the international art community, even shared by a number of museums and house representatives that *cultural property wrongfully taken from its rightful owners should be returned to those owners*. This recognition and the fundamental premise that under Anglo-American law a thief can never obtain or pass good title to stolen personal property, which may be reclaimed at any time (whatever may have been the number of intervening owners and whether or not anyone in the chain was a “bona fide purchaser”), have been the guiding principles at the heart of the development of a comparatively favorable body of law in the United States, with particular reference to our **Republic of Austria v. Altmann** case, which occupied our firm’s time and interest for many years and culminated in a very important and totally successful Supreme Court ruling in 2004. While there have been, and presumably can be expected in the future, battles among the claimed heirs, and even among competing families, and there may be potential procedural defenses raised by museum and collection lawyers in a particular proceeding to the otherwise-absolute admonition, the bottom line and starting point for any discussion of looted art in the United States is that the rightful historic owner of looted property in theory need only establish ownership through the introduction of the property’s provenance and the original theft in order to prove a prima facie claim, regardless of the number of intervening transfers or thefts.

By contrast, the laws in various European jurisdictions appear to be more inconsistent, with some countries such as Austria, basically adopting the American rule and others like Switzerland appearing to provide for a good faith purchaser of stolen property to acquire title which is superior to the rightful owner (s). In fact, even some American jurisdictions have their own procedural ramifications, the most significant of which is the New York rule that an original owner may seek to reclaim looted property for a period of three (3) years from the time that he or she demands its return, and the demand has been refused.

I wish that I could report to you equivalent success, or at least substantial settlements, in all of our other American cases, whether brought in California or elsewhere, but that would not be an accurate claim. Moreover, even those cases like Altmann, which end up with such a dramatically successful result for my partner and I, can often be very time-consuming and economically and emotionally draining for both the claimant, in Maria’s case an elderly but very sharp widow, and his or her counsel.

The modern development of the American legal principles governing the disposition of looted art can be traced to the 1998 Washington Conference. In that year, representatives from forty (40) countries met in Washington, D.C. and in the process developed the so-called “Washington Conference Principles.” These experts reviewed the continuing and increasing discovery of Nazi-looted assets, including artworks, and promulgated eleven (11) basic principles concerning Nazi confiscated art, including two basic Principles that have come to be referred to as the “Washington Conference Principles”: (i) that pre-war owners and their heirs and assigns should be encouraged to come forward to make their claims known; and (ii) that reasonable steps should be undertaken on an expeditious basis to develop “fair and just claims procedures” with liberal rules of evidence so that the looted art could be returned to its rightful owners. An incisive description of the inner workings of the Conference is found in Stuart Eizenstat’s *Imperfect Justice* (Public Affairs Books (2003)). As many of you are aware, Mr. Eizenstat has spent years in and out of American governmental positions passionately devoted to the quest for Nazi-looted art.

In the years since the Washington Conference, a number of American and foreign governmental authorities have looked closely at art with questionable provenance and many auction houses, museums and collectors have simply avoided dealing with art with any serious gaps in their reported provenance between 1933 and 1945. Some positive developments in fairness were related to the promulgation of the Washington Conference Principles. Many of these Principles are, however, even now, unfortunately sometimes being ignored, or at minimum, either intentionally or unintentionally, bypassed, in too many instances.

Commencing in the mid to late 1990’s, a number of factors led heirs of survivors, museums, and even some governmental authorities to authenticate and reexamine the history of the artworks that had been looted by the Nazis but never returned to the families of the original owners. First, the end of the Cold War led to previously classified archives in the Eastern Bloc starting to become publicly available. Second, the development of the internet effected a substantial change in the ability to research this area, and more scholars turned their attention to writing books about Nazi looting. *The Rape of Europa*, a pioneering study by Lynn Nicholas which formed the basis for a later full-length and well-received documentary film, was completed in 1994 and served as an example for other books and documentaries set the stage for

what was to follow. The following year, the Bard Graduate Center for Studies in the Decorative Arts in New York City held a symposium entitled *The Spoils of War*, at which many papers -- including one by my close friend and New York colleague, Larry Kaye -- examining issues related to looted art were presented. Also in 1995, two very respected researchers, Konstantin Akinsha and Grigori Koslov, working with Sylvia Hochfeld of *Art News*, published *Beautiful Loot: The Soviet Plunder of Europe's Art Treasures*. Hector Feliciano's classic book, *The Lost Museum: The Nazi Conspiracy to Steal the World's Greatest Works of Art*, emphasizing a slightly different aspect of the looting, followed in 1997. It would be difficult, if not impossible, to apportion the growing reexamination of the potentially looted Nazi art among these and other important developments culminating with our Altmann case, on any accurate proportionate basis.

It is also very difficult to in a short period adequately discuss the leading cases with which I and/or my colleagues have been involved, to concurrently review all that has happened in connection with Holocaust restitution claims in the U.S. since the mid-1990s and to provide you with a reasonable prediction as to what the future holds for this area of American, and to some extent foreign, law. I will try to do as much as I can to describe this history, and to highlight at least some of the recent developments, that will hopefully provide some reasonable insight into the current legal framework for Holocaust restitution claims.

I have been personally and extensively involved in dealing with Nazi-looted art for some years. It is a fascinating area of the law, which combines law, history and not a small amount of detective work, as we attempt to retrace the historical details of the enormous art theft carried out by Nazi Germany until its overwhelming defeat in World War II. There is a very small cadre of lawyers who regularly practice in this field, and while we primarily represent a fair number of plaintiffs we are not uncommonly also periodically called upon by galleries, museums and even private owners to sort out their ownership claims in a fair manner. I have been very impressed with the sense of professionalism and courtesy that prevails not just among our group but also among our opposing counsel, who represent current owners, museums and galleries on a more regular basis and who have generally been fair adversaries in the courtroom, the classroom, the auction houses and on the lecture circuit, while remaining zealous opponents for either the claimants or the institutions who are claiming to have a priority retained interest in the works of art which are in dispute in a particular case.

In facing the daunting task of trying in a relatively brief period of time to describe our involvement in this fascinating area of the law, I will begin by attempting to place in context a series of slides, which begin with a dedication to a courageous heroine, Maria Altmann, follow with an historic overview of the work of the U.S. Army’s “Monuments Men” who were featured in the George Clooney movie of that name and then proceed to depict the actual paintings from cases involving issues that have arisen in some of our leading cases. The highlight of these slides is, quite naturally, the depictions of the five (5) actual paintings by Gustav Klimt which were involved in our seminal **Austria v. Maria Altmann** case, 541 U.S. 677 (2004), and which paintings were successively retrieved and resold for the family, one in a private sale and four in a collective and well-attended subsequent auction at Christie’s in New York City. The remaining slides depict paintings which were (or currently are) at issue in other cases handled by our office, each of which presents its own discrete set of background facts.

As the title of my talk suggests, I will be concentrating my presentation on the California-based **Altmann** and **Benningson** cases, both of which involved years of arduous litigation. In **Altmann**, we were litigating at each level of the American federal courts up to and including the United States Supreme Court, and ultimately successfully presented the case before a specially-selected Austrian arbitration tribunal. In **Benningson**, as I will try to explain, we felt almost like ping-pong balls being directed back and forth between state and federal tribunals in California and in Illinois, the home of Mrs. Alsdorf, the very well-connected defendant (a wing of the Chicago Museum of Art bears her name), before ultimately entering into a significant settlement in excess of \$6 million for our client, the grandson of the former owner of the classic Pablo Picasso painting and at the time a Berkeley law student.

I will also be providing some background on the recent partially decided California-based case of **Von Saher v. Norton Simon Museum**, 754 F.3d 712 (Ninth Circuit 2014), a case in which I served as one of the local counsel and which involves a very famous work by Lucas Cranach the Elder entitled “Adam and Eve.” In addition to presenting yet another somewhat complicated looted art scenario, with the plaintiffs based on the East Coast and the California legislature enacting new legislation after the first unfavorable decision, the **Von Saher** litigation presents another case, like Altmann, in which California is the forum state and the initial forum was the United States District Court for the Central District. By contrast, the **Benningson** case

was initially a California state court filing as there was no complete diversity between the parties, since the plaintiff and the co-defendant gallery owner were both California citizens. Furthermore, as you review the slide depicting the Cranach work, those of you with some familiarity as to American television programming will understand why we often refer to it as the so-called “Desperate Housewives” painting.

As I stated previously, the lawyers, academics and auction house representatives who work in this field are generally involved as much as detectives as they are lawyers. Each case presents its own set of historical facts and circumstances, which facts and circumstances must be carefully researched either in the first instance based on a blank slate, or, where the facts are brought to the table by the client, reviewed carefully by the lead attorneys for their legal implications. At that point the litigating attorneys must transform themselves into zealous and careful advocates and in the process deal with a wide range of procedural and substantive issues, with particular reference to the applicable law, any gaps in the provenance of the works and the applicability of such legal defenses as personal jurisdiction, sovereign immunity and the applicable (normally state) statute of limitations or statute of repose.

Turning to the specific defenses, one leading defense with self-evident international overtones, specifically the international application of the time-honored sovereign immunity defense, which was extensively dealt with by the Supreme Court in the Altmann case, was also one of the defenses raised in the Ninth Circuit in the complex **Cassirer v. Kingdom of Spain** case, involving a classic Pissarro painting, which is also one of the cases handled by other counsel which I included in the exhibits because of its precedential significance. This case involved an action by a Californian who was the grandson of a Jewish art collector forced to “sell” the priceless painting for about \$360 in order to be allowed to flee Germany. After the grandson learned that the painting was part of a collection purchased by the Spanish government and ultimately transferred to a museum foundation, his counsel brought an action in 2005 against both Spain and the Foundation. In the course of this action the federal courts in California had to deal with a range of international issues in the context of among others, personal jurisdiction, standing, justiciability, sovereign immunity and the potential liability of a country or entity which was not “involved” in the actual looting. I have included in the exhibits the early Ninth Circuit decision which rejected, among other defenses, the claim of immunity under the Foreign

Sovereign Immunities Act (FSIA), 580 F. 3d 1048 (Ninth Cir. 2009), and the later opinion of the Court, 754 F.3d 712 (9<sup>th</sup> Cir. 2014), in which a second panel (with Judge Wardlaw replacing Judge Alexander, who had passed away) reversed course, ruling that the district court judge had this time wrongfully dismissed the action as the plaintiff's claims were not in conflict with federal policy regarding so-called "internal restitution" and represented the equivalent of private claims.

Two additional and significant cases handled by other counsel and included as exhibits to the lecture are both complicated opinions of the First Circuit Court of Appeals. In **Vineberg v. Bissonette**, 548 F.3d 50 (1<sup>st</sup> Cir. 2008), the appellate court granted summary judgment to the successors in interest to the original owner of a valuable painting by the French impressionist master Camille Pissarro. The painting had been looted from a Jewish gallery owner (who subsequently fled Germany) by means of a forced sale and sold by a Nazi-approved purveyor for the benefit of the Nazi authorities. The case presented, among other things, a very clear choice of law issue.

The other First Circuit case, **The Museum of Fine Arts (Boston) v. Seger-Thomschitz**, 623 F. 3d 1 (2010), a more recent case decided by the appellate court on October 14, 2010, contains as complicated a factual scenario as any of the other cases I will be discussing. The ultimate appellate decision was unfortunately overwhelmingly unfavorable to the claimant, a family nurse designated as the "universal successor" in the will of the former owner of the painting at issue in the case, who had "transferred for sale" the painting to a Parisian gallery in 1939 along with several other paintings he was forced by the Austrian Nazis, who had taken over as the result of the Anschluss, to list on a required form "declaration" of valuable property as a prelude to their seizure. The significance of the case from my perspective, is not only its outcome, and the relatively recent date of the decision, but also the fact that the American museum aggressively pursued a modern museum remedy, a declaratory judgment action based on the traditional Massachusetts three-year statute of limitations without being required to rebut the factual allegations allegedly supporting the plaintiff's position. Many of our small group of claimant lawyers believes that this tactic has some negative moral overtones, particularly where the museum may be accused of using a so-called "technical defense" (such as the state statutes and case law regarding limitation periods and laches to thwart an otherwise legitimate ownership

claim.) This issue is, to say the least, very current and very controversial, with no small debate over whether the statutory defense is “substantive” and interposed by defense counsel on the “merits” of the case or simply a procedural roadblock, based on technical arguments which have little, if anything, to do with the particular facts of a case.

**B. ALTMANN, BENNINGSON, VON SAHER AND THE OTHER LOOTED ART CASES DEPICTED IN MY POWER POINT PRESENTATION**

In discussing my cases and the accompanying slides, I will start with a most meaningful slide that I recently added to my basic materials—a picture of Maria Altmann, a courageous and incredible woman whose importance to the development of looted art restitution in the United States can never be overstated. Maria passed away peacefully on February 7 of 2011, just shy of her 95<sup>th</sup> birthday, leaving a loving family and an unmatched great legal legacy. She is the true heroine of our story and I would like to dedicate today’s talk to her memory.

The next few slides depict a group of relatively unsung heroes, the so-called “Monument Men” who served in a special and relatively unknown section of the American Armed Forces devoted to the tracking and return of stolen European art and treasures. Many of the well-known American generals such as Generals Eisenhower and Bradley, despite having a difficult series of war campaigns to manage, were generally supportive of the efforts of these soldiers. As far as the paintings were concerned, while some of the works were inventoried in museums, with particular reference to Parisian museums such as the Jeu De Paume, others were hidden away in difficult to access salt and copper mines. In fact, nearly twenty-five percent (25%) of the Berlin Museum’s art collection was reportedly found by accident by soldiers serving under General Patton as they were interrogating local civilians who lived near the Merkers, Germany salt mine, a massive cave with a flimsy wooden elevator that carried occupants down in excess of two thousand feet to view a treasure trove with bags of gold and cash and hundreds of valuable paintings and sculptures. See Bill O’Reilly, “Killing Patton” (Holt 2014) at p. 221. Still other works were hidden in basements, castles, monasteries, convents, family chests and cellar furnishings, with the latest “discovery” consisting of oil paintings, watercolors, prints and drawings rolled up behind furniture in a shabby Munich, Germany apartment which was first searched in early 2012. Other works, like the Klimt landscape “Houses in Unterach on Lake Attersee” were brazenly kept on the walls of various Nazis until they were arrested in the post-war era.

As an aside, while some of the Monuments Men had an artistic and even curator-type, background, many were ordinary soldiers who believed in their cause and risked their lives in trying to undo at least some of the looting or felt that despite the dangers such wartime activity was preferable to being an ordinary infantry man. Their story is comprehensively told in Robert M. Edsel's *The Monuments Men*, published by Center Street, The Hachette Book Group, Inc. in 2010. George Clooney, the well-known American actor and director, released his movie about these men based on Mr. Edsel's story, in February of 2014.

My next pictures are depictions of the paintings by Gustaf Klimt which were referenced in the complaint filed in the district court in Maria's case. The most famous painting in the group, Adele Bloch Bauer I or "the Woman in Gold", was, as is well-known, purchased by Ron Lauder, the heir of Estee Lauder, for \$135 million dollars and placed in his Neue Gallery in New York City. Four of the other paintings awarded to our client—"Adele Bloch-Bauer II," "Beechwood," "Apple-Tree," and "Häuser in Unterach am Attersee,"- were subsequently auctioned at Christie's in New York City for an aggregate \$197 million dollars.

I have also included several additional and less expensive looted Klimt paintings which were dealt with in a different manner, including "Portrait of Amelie Zuckenkandl," which was claimed by Mrs. Altmann but awarded to a rival claimant by the court, and "Portrait of a Lady," a small portrait which was returned without the need for formal legal proceedings and resold through our office for \$1,000,000 on behalf of the rightful owner. Although he died very young, Klimt obviously was a prolific painter who left a substantial number of works of varying sizes.

The next slide depicts the painting at issue in the Benningson case, a newly unearthed 1922 Pablo Picasso painting entitled "Femme en Blanc," which after an intensive legal struggle that I hinted at earlier, ended in a settlement whereby the heir of the rightful owner received in excess of \$6 million dollars. I will then discuss the next slide, depicting Canaletto's masterful "View of Santa Maria Della Salute Seen from Molo," which was in effect repurchased by the French museum, where it had resided for some time prior to its re-discovery, for 3,000,000 euros, again without the need for any formal legal proceedings.

Finally, we will be looking at the “Adam and Eve-Desperate Housewives” master painting described above and reviewing the *Von Saher* case and the search for the paintings looted from Jacques Goudstikker. These inquiries are the twin subjects of Section “C.”

**C. THE NORTON SIMON-MARIE VON SAHER CASE AND THE SEARCH FOR THE JACQUES GOUDSTIKKER PAINTINGS**

A few years after the convening of the Washington Conference, my friend and fellow restitution counsel Larry Kaye and his firm, Herrick and Feinstein, became involved in what proved to be a very lengthy dispute over a well-known Egon Schiele painting called “Portrait of Wally,” which the artist had painted in 1912 and which was seized by the Nazi authorities in Austria in the late 1930’s, recovered after the War and restituted to a Jewish victim other than the firm’s client, who claimed to be the rightful owner of the work. The case turned out to be the longest-running Nazi looting art case, involving over ten (10) years of litigation, and ultimately ended on July 20 with a \$19 million dollar settlement in favor of the rightful owner, Lea Bondy’s estate.

Not long after the start of the *Wally* case, a restitution claim was filed in the Netherlands that turned into yet another legal marathon. The claimant, Marei von Saher (“Marei”), the sole heir of the very respected pre-war Dutch dealer, Jacques Goudstikker, sought to recover more than two hundred (200) Old Master works that had been looted by the Nazis but ended up in the hands of the Dutch Government for reasons that I will explain in a moment.

Before World War II, Jacques Goudstikker (“Jacques”) was one of the foremost art dealers in Europe. He had an extraordinary collection at his gallery in Amsterdam, which contained approximately 1,400 works of art, mostly Dutch, Flemish, and Italian Old Master paintings. His collection was so extraordinary that just days after the Nazi invasion of Holland began, Herman Goering, Hitler’s second-in-command, personally visited Jacques’ gallery and soon thereafter arranged a “forced sale” to him of approximately eight hundred (800) of the best artworks from the gallery’s collection. Jacques, who had fled the Netherlands with his wife, Desi, and their young son, Edo, when the German paratroopers first began landing in Rotterdam, managed to escape, taking with him a small black leather notebook, now known as the “Blackbook,” that contained an inventory of much of his collection. Although Jacques’s flight

from the Nazis was short-lived—he tragically fell to his death aboard the ship carrying him and his family to safety—Desi was able to retrieve the Blackbook that was in his pocket. This would ultimately prove to be the key document used to establish the family’s claims to the artworks looted by the Nazis.

In 1945, in the course of liberating Germany, Allied forces recovered more than two hundred (200) Goudstikker works looted by Goering and sent them to the Central Collecting Point in Munich, where they were catalogued. These and other looted works the Nazis had stolen from the Netherlands were then returned to the Dutch government pursuant to established Allied policy, emanating from the 1943 London Declaration, which mandated that “acts of Nazi dispossession would be undone,” and that the government was to hold the artworks in trust for their lawful owners. But Desi, who managed to survive the war and to return in 1946 to attempt to recover Jacques’ property, was met with great hostility by the postwar Dutch government. She confronted a “restitution” regime that did everything in its power to make it difficult for Jewish citizens to actually recover their property. In the end, the Dutch government collected and retained the works in the National Collection, but never obtained legal title to them.

The situation remained unchanged until the mid-1990s when following the above-referenced Washington Conference, several European governments created new restitution commissions charged with the task of re-examining claims by victims’ families to recover looted artworks and, notwithstanding the passage of time, determining these claims on the merits. Indeed, in 1997, even before the Conference began, the Dutch announced a new policy that allowed claims to be made for the restitution of artworks that had been returned following the war but which had never been restituted to their rightful owners.

In the mid-1990s, shortly after the deaths of both Desi and Edo, Pieter den Hollander, a Dutch journalist, informed Marei, Edo’s widow and Jacques’ and Desi’s daughter-in-law, that many of the treasures from the collection were still being held by the Dutch Government. Based on this information, in 1998, Marei filed a claim under the new restitution program. Unfortunately, the State Secretary in charge of Cultural Affairs denied her application, and court proceedings filed to overturn that decision went against her. In 2002, however, the Dutch Government adopted still additional restitution guidelines more in line with the Washington Principles, and these guidelines provided new hope to claimants like Marei. A new Restitutions

Committee, an independent body charged with investigating artwork claims, was formed and this Committee was asked to make recommendations to the Ministry of Education, Culture and Science as to how those claims should be resolved.

In 2004, Marei filed a new application under the revised guidelines and spent two more years fighting the case in the Netherlands. This effort culminated in a hearing before the Restitutions Committee, which issued its “advice” in December 2005, substantially in Marei’s favor. That advice, however, was kept confidential pending a final decision by the State Secretary. On February 6, 2006, the State Secretary formally announced that the Dutch government would retribute two hundred Goudstikker paintings to Marei, including, among others, magnificent works by Solomon van Ruysdael, Claude Lorrain, and Jan van Goyen, finding that the works had been involuntarily taken from Jacques by reason of Goering’s “forced sale.” Following the restitution Marei organized a traveling exhibition of about forty (40) of the restituted works, and they were triumphantly displayed at several key venues throughout the United States, including the Christie’s auction house gallery in New York which successfully recreated a creative 1930’s era European gallery as a very creative and professional backdrop to the works.

The Dutch restitution was by no means the end of the Goudstikker saga. More than one thousand (1000) of the looted works were never located by the Allies after the war and remain missing. Because the Blackbook is not illustrated, the family retained a team of art researchers to, in effect, “visualize” the book and to identify and locate the missing works. To date, most of the works have been identified, more than one hundred (100) of the aggregate works have been located, and there have been more than forty (40) restitutions, including works by Jan De Cock, Edgar Degas, Donatello, and Rachel Ruysch.

Surprisingly, most of the restitutions have come from collections and institutions outside of the United States. The North American museums and collectors have simply and generally been less cooperative than their Western European counterparts when presented with such claims.

This brings us to the currently active Norton Simon (or “Desperate Housewives”) case that I touched upon earlier. Marei has so far hit a proverbial brick wall with her claim against the

Norton Simon Museum, a major local Pasadena museum, for the return of what are perhaps the most valuable works looted by the Nazis from Jacques – two (2) historic monumental images of “Adam and Eve” by Cranach the Elder that were acquired in May of 1931. These paintings were among Jacques’ most valued works, as demonstrated by photographs from this era showing Jacques with various dignitaries at an important exhibition in the Rijksmuseum featuring “Eve.” In the early 1970s, the paintings came into the possession of the museum. Marei discovered them there in November of 2000 and demanded their return, which was refused.

After years of unsuccessful settlement negotiations, in 2007 Marei had us, at the behest of Mr. Kaye’s firm, assist in commencing a formal restitution action in the Los Angeles Federal District Court. Judge Walter dismissed the claim, holding unconstitutional a unanimously enacted California statute that had extended the statute of limitations applicable to actions against museums and galleries for the recovery of Nazi-looted art, on the ground that the state statute infringed on the federal power to make and resolve war. Marei filed an appeal to the Ninth Circuit, which was supported by the California Attorney General and several other important amici. The Court of Appeals affirmed in part and reversed in part, reinstating the case, and holding that Marei could proceed under the general California statute of limitations provision for stolen cultural property, California Code of Civil Procedure § 338; but affirming the disappointing ruling on the important constitutional issue. The Ninth Circuit held in essence that California had no “traditional state interest” in enacting the statute and that the statute in any event violated the foreign affairs preemption doctrine recognized by the Supreme Court in Zschernig v. Miller because the Federal Government had preempted the field. There was a strong dissent written by Judge Pregerson.

Marei’s subsequent Petition for Rehearing was denied, and the Ninth Circuit agreed to stay the issuance of its mandate pending a petition by Marei for a writ of certiorari to the Supreme Court. Marei then filed her petition and on October 4, 2010, the Court issued an order inviting the Acting Solicitor General to file a brief in the case expressing the views of the United States on the question of whether California had the power to pass the statute. This was gratifying, for we had requested in our brief that the Supreme Court make such an inquiry in our brief to the Supreme Court. Unfortunately, the Solicitor General’s brief was not as helpful as we had hoped and the request for certiorari was ultimately denied.

At the Ninth Circuit's direction, Movsesian v. Victoria Versicherung AG, which presented similar statute of limitations issues in the context of Armenian genocide claims, and Von Saher were treated as related cases and were argued before the same three-judge panel on the same day. In Movsesian, the court considered the constitutionality of a similar California statute that extended the statute of limitations for victims and their heirs to recover on insurance claims in connection with the Armenian Genocide. Decisions in the two cases were handed down nearly simultaneously, both penned by the late Senior Circuit Judge Thompson, with a dissent in each by Judge Pregerson. The two statutes were found unconstitutional because they conflicted with the Federal Government's foreign policy, to which the Ninth Circuit gave preemptive weight. The plaintiffs in both cases filed petitions for rehearing. The Von Saher petition was denied within four (4) months. Surprisingly, the Court did not rule on the Movsesian petition for approximately fourteen (14) months; and then, on December 10, 2010, long after Marei had filed her Petition for Certiorari, the court granted the Movsesian petition, with Judge Pregerson, who had originally dissented in both cases, now writing the majority opinion in favor of the plaintiffs, and Judge Thompson, who had written the majority decision in both cases, now dissenting! In this decision, the new majority (Judge Nelson had switched sides), relying on Alperin v. Vatican Bank, found that the statute fell within a traditional area of state interest and would have only an incidental effect on foreign affairs because it involved "garden variety property claims," the exact argument that had been made by Marei to -- and which was summarily rejected by -- the Ninth Circuit a year earlier. We immediately filed a supplemental brief with the Supreme Court to bring this astounding development to the Court's attention. Subsequently, Judge Thompson passed away and was replaced on the panel by Judge Wardlaw.

In the interim, on September 30, 2010, then-Governor Schwarzenegger signed into law (effective January 1, 2011) a bill amending California's Code of Civil Procedure § 338. This legislation extended the statute of limitations from three years to six years for claims brought for the recovery of a "work of fine art" unlawfully taken or stolen -- including "by means of fraud or duress" -- against "a museum, gallery, auctioneer, or dealer." The bill also changed the accrual date for these claims, so that the statute of limitations will not begin to run until six years from the "actual discovery by the claimant" of the identity and whereabouts of the work and the "[i]nformation or facts. . . sufficient to indicate that the claimant has a claim for a possessory

interest in the work of fine art.” Under the prior law, a “discovery rule” applied, meaning that the statute began to run when the claimant either discovered or reasonably could have discovered her claim to the artwork. This legislation was designed to present a fairer approach to all looted art claims.

Marei filed a First Amended Complaint in the district court before Judge Walter, the same judge who had initially dismissed the case. Norton Simon’s counsel filed a new motion to dismiss, which we opposed, and the motion was to be heard on March 26, 2012. Judge Walter again cancelled the hearing and granted the motion to dismiss which rejected Marei’s arguments as to the new statute. This time, however, the Circuit Court of Appeals, with the composition of the panel altered by Judge Alexander’s death and his replacement by Judge Wardlaw, decided an important procedural issue in our favor. 754 F. 3d 712 (2014). The Court of Appeals found that under the new statute the claims of Marei were not inconsistent with the federal government’s internal restitution policy and remanded the case to determine if the litigation would implicate the so-called “act of state doctrine.”

Consistent with the normal practice in the Central District, the remanded case was again assigned to Judge Walter. From the reassignment the law firm representing the Norton Simon Museum undertook the scheduling of extensive discovery and filed a motion for a pre-trial dismissal based on grounds analogous to their earlier position. Mr. Kaye’s firm filed extensive opposition papers and for the first time in the entire case Judge Walter issued a ruling favorable to the plaintiffs, denying the motion to dismiss and generally characterizing Marei as a worthy plaintiff. Most recently, on August 16, 2016 there was yet another (and this time far bleaker) turn in the road in this case. Faced with comprehensive cross-motions for summary judgment, Judge Walter granted the museum’s motion and denied Marei’s cross-motion, a controversial result which has already engendered a negative reaction among some sympathetic commentators who have described the decision as being based on a misapprehension of the underlying law and a bad precedent. Since this devastating decision is so recent and Marei’s lead counsel, my good friends Larry Kaye and Howard Speigler, have not yet filed a Notice of Appeal it would be premature to comment any further at this point except to suggest that any questions about further appellate developments need to be directed to Larry and Howard.

## OTHER PROCEEDINGS

The Wally, Altmann and Von Saher cases, together with other cases such as the Stern case, involving another colleague based in Washington, D.C., have made clear that in America, Nazi forced sales are treated the same as outright theft and do not, under the London Declaration or otherwise, convey good title. American courts are thus, for the first time, acknowledging that sales by Jews during the period 1933-1945 that would not have been made but for persecution of Jews during the Holocaust may also be invalid. A case in point is Schoeps v. The Museum of Modern Art and the Solomon R. Guggenheim Foundation, 594 F. Supp.2d 461 (S.D.N.Y. 2009) and 603 F.Supp.2d 673 (S.D.N.Y. 2009).

The *Schoeps* decisions and proceedings rendered on January 27, 2009, centered around two important Picasso paintings that were in the possession of the Museum of Modern Art (MOMA) and the Solomon R. Guggenheim Foundation, respectively. The claimants were the heirs of Paul von Mendelssohn-Bartholdy who, according to documents executed in 1935, gave the paintings to his wife, Elsa, as a wedding gift in 1927 -- but this transfer was purportedly a pretext to protect the works from Nazi seizure in the face of anti-Jewish laws in Germany. The paintings were then sold to Justin K. Thannhauser, a leading Berlin art dealer, who sold “Boy Leading a Horse” to William S. Paley in 1936 through a gallery in Switzerland. Paley donated the painting to the Museum of Modern Art (MOMA) in New York in 1964. Thannhauser kept the second painting, “Le Moulin de la Galette”, as part of his personal collection until 1978, at which point he bequeathed and transferred the painting to the Guggenheim Museum. In 2007, Julius Schoeps, the great-nephew of Bartholdy, sent letters to both MOMA and the Guggenheim, claiming that the sale of the paintings to Thannhauser was a product of Nazi duress, and that the Bartholdy heirs were thus the rightful owners of the works.

Judge Rakoff, applying an interest analysis choice of law test, held that German law applied to the issue of whether the transfer of the paintings in 1935 was a product of duress. He further held that issues of fact existed as to whether Bartholdy would have transferred the pictures had it not been for his fear of persecution by the Nazis, and found that even though the record regarding the transfer was “meagre”, “it [was] informed by the historical circumstances of Nazi economic pressures brought to bear on ‘Jewish’ persons and property, or so a jury might reasonably infer,” and that therefore, the claimants had “adduced competent evidence sufficient

to create triable issues of fact as to whether they ha[d] satisfied the elements of a claim under [the German duress provisions].” Summary judgment was thereby denied, leaving it to a New York jury to decide whether the original owner, as a persecuted Jew, was under “duress” pursuant to the German Civil Code when the artworks were transferred. Most analysts would agree that this was a very favorable ruling for the claimants.

The court next determined that New York law, and not Swiss law, should govern the validity of the 1936 sale from Thannhauser to Paley. Under the common law rule, which New York and every other American jurisdiction follows, a good faith purchaser cannot obtain title to a stolen object. Here, the court equated the alleged duress sale with theft for the purpose of determining whether Paley, as a good faith purchaser, acquired title to the artwork.

Finally, the court discussed the museums’ laches defense. In earlier rulings, including one by Judge Rakoff, the New York courts often decided laches defenses on preliminary motions. In Schoeps, however, he determined that since laches is a fact-intensive question, he would decide the issue only after a trial on the merits of the case. In so ruling, he underscored the impropriety of summary judgment because, if the museums had reason to know that the paintings were misappropriated, they would be barred by the “unclean hands” doctrine from arguing laches -- yet another significant ruling in the case that could have lasting repercussions.

The *Schoeps* trial was scheduled to start shortly after this decision, but on the courthouse steps, as American lawyers express it, the case was settled by means of a confidential settlement. But even with the settlement, there was another fascinating twist in this case. About two months after the settlement, Judge Rakoff issued a six-page opinion expressing the court’s dissatisfaction with the parties’ decision to keep the terms secret in light of the significance of the case to the public and to other victims of Nazi looting. In his words, it “baffles the mind and troubles the conscience” that Schoeps and his relatives would want to keep the settlement private.

While many observers and commentators were disappointed that *Schoeps* did not proceed to trial, and there was consequently no final decision on the important twin issues of duress and laches, a later case, Bakalar v. Vavra, is noteworthy as one of the few Nazi-looted art cases to actually go to trial on the merits in the United States. It was a court trial with the basic issue in this case the question of the proper title to an Egon Schiele drawing that had been part of a

collection of nearly four hundred and fifty (450) artworks owned by Franz Friedrich Grunbaum. Much of this collection was subject to a Nazi forced sale in order to pay taxes and penalties imposed on Jews. Although neither Grunbaum nor his wife survived the war, his wife's sister did, and she sold the drawing, which had remained in their possession, in 1956 to a Switzerland gallery. The drawing was then transferred to another gallery in New York.

The district court held that under the New York conflicts of law rules, the jurisdiction in which title was purportedly transferred determined which law applied. Since the initial transfer occurred in Switzerland, the court held that Swiss law applied and that the gallery in Switzerland obtained good title to the drawing. On appeal to the Second Circuit, the court vacated the decision and remanded the case to the district court, holding that New York, and not Swiss, law, should govern the case. The appellate court rejected the district court's application of the traditional situs rule in favor of an interest analysis, and found that the compelling interests of New York in making sure that it did not become a haven for stolen property overrode any interests Switzerland might have had in connection with a transaction, where the purchased property left the country almost immediately. On this point, *Bakalar* is consistent with the analysis provided in *Schoeps*. This ruling should also have an important impact on future cases.

Another major full-scale Holocaust recovery case was filed in the District of Columbia in the summer of 2010 pitting the heirs of Baron Mór Lipót Herzog, a Budapest collector of fine art who assembled one of the greatest art collections in Europe before World War II, against the Republic of Hungary, three (3) Hungarian museums and a Hungarian university. In this case, which was filed in the U.S. District Court in Washington, D.C. and is commonly referred to as "the Baron Herzog case", the heirs sought to recover many paintings and other works taken in the early 1940's that either remained in, or came into the possession of, Hungarian government museums. The list includes major paintings of the highest quality, by artists such as El Greco, Lucas Cranach the Elder, Zurbarán, and Gustave Courbet. It also includes Renaissance paintings and sculptures and some ancient works of art. The family initially tried negotiating with the Hungarian Government after the Soviet bloc's dissolution, but after eight fruitless years, they filed suit in Hungary. Although the lower court issued a favorable decision in 2000, after eight more years of litigation, judgment was issued against the heirs based on legal defenses that were never intended to apply to their claims.

The latest suit by the heirs sought to remedy the injustice of decades of Hungarian governmental intransigence by recovering the works. Counsel for Hungary and the defendant-museums, including a good friend and very capable lawyer named Thad Stauber, moved to dismiss that action, asserting in the process that, among other defenses, the Herzog heirs and the district court lacked jurisdiction over the defendants under the United States Foreign Sovereign Immunities Act, and that, even if there were such jurisdiction over the defendants, the claim should be barred by the applicable statute of limitations and/or because of the prior claims which had already been heard by the Foreign Claims Settlement Commission. On September 1, 2011, District Judge Huvelle in a wide-ranging decision, a copy of which is included in my materials, confirmed Hungary's right to retain certain designated paintings, but generally denied the defendants' motion to dismiss. De Csepel v. Republic of Hungary, 808 F. Supp. 3d 113 (WL 3855862 D.D.C. September 1, 2011). Two weeks later, he stayed all further proceedings pending the further ruling of the Circuit Court of Appeal.

The issues before the appellate court were fully and comprehensively briefed and oral argument presented to the D.C. Circuit Court on January 23, 2013. On April 19 the Circuit Court reversed the dismissal of the case based on the allegations of due process having been denied in the foreign court, and affirmed the remaining claims on the ground, among others, that as in the Altmann case, the federal courts had jurisdiction under the "commercial activity" exception to the FSIA. Thus, De Csepel represents a case where the Holocaust-damaged plaintiffs have at least so far not been deprived of their proverbial "day in court" and from a disposition on the merits of their case as opposed to one based on one or more procedural defenses.

#### **E. WHERE ARE THE AMERICAN CASES GOING?**

As I have hopefully explained to you, the restitution cases filed here and sometimes argued before an American forum have been moving up and down like a rollercoaster with mixed results. One problem is that in many cases, notwithstanding the fact that the Washington Principles urge that all Holocaust cases be decided on the merits, the defendants inevitably assert so-called "technical defenses" such as the statute of limitations and laches for the very purpose of avoiding such resolution. In June 2009, a Holocaust-era assets conference was convened in Prague, where some 49 governments and 152 nongovernmental organizations came together to assess the impact of the Washington Principles since their adoption in 1998. The Terezin

Declaration, adopted by 46 nations at the close of the 2009 Conference, urged, among other things, that the signatories enact laws that facilitate decisions on the merits (i.e. not assert technical defenses), but it was not as specific in this regard as some observers had hoped.

On balance, American jurisprudence seems at least to some extent to be moving in favor of some preliminary determination as to the objective provenance of the works in question. It is clear, however, that most lawyers practicing in this field, whether representing claimants or defendants, cannot confidently and precisely predict how the courts in future cases will deal with issues such as personal jurisdiction, sovereign immunity, the statutes of limitations, duress, laches, choice of law, and many others. Focusing on the California Von Saher litigation, we do not yet know, for example, if the federal appellate court will choose to uphold California's special modified statute of limitations and/or whether other state and federal courts will address the issue in a similar manner and consider properly-drafted statutes of limitations to be recognized as a state prerogative in this area.

What is clear from our experience is that simply labeling the artwork at issue as "Nazi looted art" and setting forth the basic causes of action as forms of tortious undertakings or withholdings does not insure that a trier of fact will quickly, or even ultimately, agree with the claimant's legal position, as this very untraditional area of law evolves based on the different facts and presentation of each case. We have learned one basic fact, and it has been taught to us by Maria Altmann, Marei von Saher and the other courageous claimants in the cases I have discussed. The key ingredient to presenting a potentially successful claim is not just careful and sensitive lawyering but also a client's perseverance in the face of longstanding hardship and too often temporary defeat. What we would in the final analysis like to hear is a statement similar to one of the closing statements by the court in the Vineberg case. As the opinion put it on page 9:

**"A de facto confiscation of a work of art that arose out of a notorious exercise of man's inhumanity to man now ends with the righting of that wrong through the mundane application of common law principles. The mills of justice grind slowly, but they grind exceedingly fine."**

That brings me, in conclusion, to the most pointed, chilling and personal, reminder of what our work entails and it comes from, of all people, the words of Heinrich Himmler, Hitler's

Secret Service Chief and one of the most despicable Nazi leaders. Himmler declared that the Nazis *had* to kill all the Jews because if not, “their grandchildren will ask for their property back.” It gives me a great deal of personal satisfaction as a Jewish descendant of Eastern European immigrants to note that one of these grandchildren is standing before you and to report that my colleagues and I are helping in whatever ways we can to prove the evil Herr Himmler to be an accurate prognosticator.

Donald S. Burris, Esq.  
Burris, Schoenberg & Walden, LLP  
12121 Wilshire Boulevard, Suite 800  
Los Angeles, CA 90025  
(310) 442-5559  
[don@bslaw.net](mailto:don@bslaw.net)

## **DONALD S. BURRIS CURRICULUM VITAE**

Donald S. Burris has been a distinguished practicing international lawyer and law lecturer for forty-five (45) years, working since 1976 from a Los Angeles base. He was born in Brooklyn, New York on September 7, 1943, received a B.A. degree with honors from Alfred University in 1965 and a J.D. with additional honors, graduating at the top of his class at the Georgetown University Law Center in 1969. While attending Georgetown, Mr. Burris was a member of the Pi Gamma Mu Honor Society and Editor-In-Chief of the Georgetown Law Journal and participated as a voting member of various student-faculty committees, including the Special Committee to select a new dean for the law school. In 1970, he served as a law clerk to Judge James R. Browning of the United States Court of Appeals for the Ninth Circuit. Since that time Mr. Burris has had a notable career as an internationally-oriented trial and business attorney, first in the District of Columbia, (where he spent several years on the staff of the Senate Watergate Committee) and for the past thirty-eight (38) years in Los Angeles. Mr. Burris has also served on the faculties of the Georgetown Law Center and Loyola University of Los Angeles Law School, has been a contributing author of various articles and sections of textbooks relating to his professional and teaching activities and has also served as a member of the Board of Directors for a number of entities, including service for fourteen (14) years as a director of Jinpan International Limited (“JST”), a publicly-traded NASDAQ-based corporation which manufactures cast coil transformers for power distribution on a world-wide basis and whose manufacturing facilities are located in Shanghai, Wuhan and Haikou, Hainan Island, China.

Mr. Burris currently resides in Santa Monica, California and is the senior partner in the AV-rated firm of Burris, Schoenberg & Walden, and LLP. He has been actively involved in a national and international business litigation and business law practice since 1970. He is admitted to practice on a state-wide basis in California, the District of Columbia and Maryland and in various federal district courts in Oklahoma and Illinois and has been involved in cases in state and federal courts throughout the United States, including the United States Supreme Court and cases before many forms of international tribunals. While engaged in private practice, Mr. Burris served as an Adjunct and Associate Professor at the Georgetown Law Center from 1972 to 1976, as Special Counsel to the United States Senate Watergate Committee from 1973-75 and as an Associate

Professor at the Loyola University of Los Angeles Law School between 1976 and 1979. In addition, Mr. Burris has periodically sat as a Judge Pro Tem at the Santa Monica Superior Court since 1987.

Mr. Burris has lectured on an annual basis for the International Law Institute's Orientation in the United States Legal System Program in Washington, D.C. since 1976 and has participated in the development and teaching of courses at the Institute and the Georgetown Law School "Foundations of American Law" Program which is specifically designed to familiarize foreign lawyers with the American legal system. He has been designated as an expert witness in a number of cases with regard to various legal issues relating to various aspects of the litigation and legal ethics and his firm has served as an approved defense counsel by a number of trade associations and insurance carriers. Mr. Burris' clients have varied in size and have included companies involved in, among other areas, publishing, international trade, technology, shipping, manufacturing, entertainment, and the apparel trade, and have further ranged from small and medium-sized entrepreneurs to larger publicly-traded entities such as Jinpan International Limited, referenced above, and Banque Colbert, a subsidiary at the time of the French entity, Credit Lyonnais. In the course of representing these clients Mr. Burris has been called upon to perform diverse tasks ranging from overseeing and directing litigation as lead or local counsel, advising clients as to litigation strategy and rendering legal opinions on proposed corporate actions and supervising the actual acquisitions or sales of the respective businesses.

For the past fifteen (15) years, Mr. Burris has devoted a considerable amount of time to the pursuit of art works and other assets stolen by the Nazi authorities before and during World War II. These efforts successfully culminated in 2004 with the Supreme Court's 6-3 decision in *Altmann v. Republic of Austria*, 541 U.S. 677 (2004), at the conclusion of which the Austrian government was ordered to, and did, return to the firm's client's possession a number of priceless historic paintings by Gustav Klimt. Mr. Burris has lectured about these experiences at a number of law schools, including Vanderbilt, Pepperdine, Texas Tech, Nebraska, Loyola of Los Angeles, at the John Marshall (twice) Jean Moulin (Lyon, France) and Georgetown International (London) Schools of Law, at the ESCP Business School campus in London, England and Paris, at Santa Monica College and at a number of other venues, including many synagogues and citizen groups in locations such as Minneapolis, Toronto and West Hempstead,

New York the Cabo San Lucas, Mexico conference of the Federal Bar Circuit, a New York-based lawyer education conference sponsored by the Duke Law School, at other programs produced by the New York and California State Bars and at various international venues organized by, among others, the American Houses of Paris and Lyons, Friends of Georgetown (Luxembourg). The University of Toronto Law School and Congregation Kehilat Gesher (Paris). He has authored an article for the Vanderbilt Journal of Transnational Law entitled “Reflections on Litigating Holocaust Stolen Art Cases,” and recently published a follow-up article dealing with his subsequent experiences in this field. He is also currently involved as lead counsel, co-counsel or local counsel in a number of cases in the state and federal courts dealing with the restitution of Nazi-looted art and founded and serves as the Vice-Chairman, Outreach of the not-for-profit Brentwood Art Center located in West Los Angeles. Mr. Burris is further scheduled to conduct several programs in 2016-17 about his diversified cases, with the venues including the Texas Wesleyan Law School located in Fort Worth, the Tampa, Florida Art Museum and various synagogues and organizations in, among other locales, Cleveland, Ohio, Montreal, Canada and Queens, New York.