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**AFLA is pleased to invite you
to our next meeting**

Wednesday, September 22, 2021 at 8:00 AM

“Pablo Picasso and the Art of Pleading, Proving and Arguing Foreign Law in U.S. Courts

with Judge Loretta Preska (S.D.N.Y)”

Speakers: The Honorable Loretta Preska



Pablo Picasso’s artworks and estate have sparked controversies requiring U.S. courts to grapple with issues of foreign law. In *de Fontbrune v. Wofsy*, 838 F.3d 992 (9th Cir. 2016) a decision involving a U.S. enforcement proceeding concerning Picasso’s copyrights, the Ninth Circuit Court of Appeals accused other federal circuit courts of “semantic sloppiness” in requiring parties seeking to apply foreign law to bear the burden of proving it. The Ninth Circuit looked to Rule 44.1 of the Federal Rules of Civil Procedure (enacted in 1966) which permits a court to consider “any relevant source” of foreign law and treats the court’s determination of foreign law as a ruling on a question of law. In *Zuckerman v. The Metropolitan Museum of Art*, 307 F.Supp.3d 304 (S.D.N.Y. 2018) aff’d 928 F.3d 186 (2d Cir. 2019) Judge Loretta Preska considered a claim of duress made by victims of Nazi persecution under the Italian law of duress to recover Picasso’s *The Actor* from the Metropolitan Museum following transactions in Switzerland, Italy, France and ultimately New York. In *Zuckerman*, Judge Preska analyzed the choice of law issues, including (i) whether Italian law and New York law conflicted and (ii) how New York’s “interest analysis” applied to the jurisdictions through which the artwork had passed and (iii) how choice of law rules differ in contracts versus torts. In this program Judge Loretta Preska will provide an analytical framework for attorneys seeking to navigate issues of foreign law and choice of law.

Introduction & Overview: Raymond J. Dowd, Partner – Dunnington, Bartholow & Miller LLP & President – American Foreign Law Association, will provide an overview of FRCP Rule 44.1 and New York CPLR 4511, application of French law in *de Fontbrune v. Wofsy*.

Location: Zoom Event

Date: Wednesday, September 22nd, 2021

Time: 8:00 – 9:00am

Cost: Free

Registration: <https://afla-law.org/events/> A Zoom Link will be emailed to registrants closer to the event. Please log-in 10 minutes prior to the 8:00am launch.