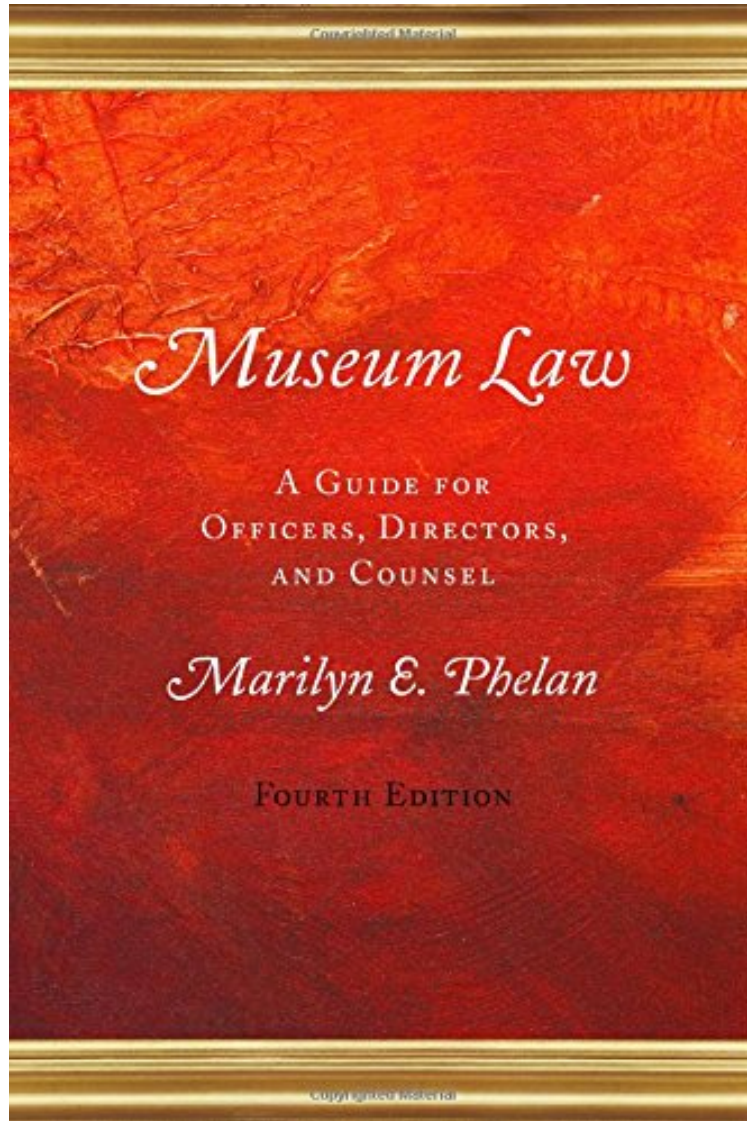


# Museum Law: A Guide for Officers, Directors, and Counsel

*Marilyn E. Phelan*

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**Marilyn E. Phelan : Museum Law: A Guide for Officers, Directors, and Counsel** before purchasing it in order to gage whether or not it would be worth my time, and all praised Museum Law: A Guide for Officers, Directors, and Counsel:

From one of Americas foremost experts in museum and cultural heritage law, here is a comprehensive guide to both U.S. and international laws and conventions affecting museums, art galleries, natural and historic heritage, and other

cultural organizations. This authoritative guide begins naturally with laws protecting art and artists (include artists freedom of expression, invasion of privacy, right of publicity, and trade laws), moves on to protection of artists property rights through copyright laws, and then goes into international laws and conventions (with full coverage of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import and Export and Transfer of Ownership of Cultural Property, and the UNIDROIT Convention on the International Return of Stolen or Illegally Exported Cultural Objects), features full coverage of U.S. laws protecting cultural heritage such as the Antiquities Act, the Historic Sites Act, the National Historic Preservation Act, the National Film Preservation, State Preservation Acts, and the National Stolen Properties Act includes detailed coverage of U.S. laws protecting our natural heritage such as the Lacey Act, the Endangered Species Act, and the Marine Mammal Protection Act features much needed current coverage of laws affecting the operation of museums, ranging from organizational structure and accounting to governance and use of guards and volunteers includes invaluable details of laws related to museum collections, including: purchases loans gifts deaccessioning detailed coverage of laws and regulations governing the tax-exempt status for museums, including how to fill out required forms unprecedented attention to museums unrelated business taxable income from such increasingly common activities as gifts shops, snack bars, travel tours, and sponsorships. No museum, cultural heritage site, or historical site can afford to be without this authoritative guide.

Unlike some museum law reference books that relegate cases to footnotes, Professor Phelan weaves them into her chapters, making them an important part of the discussion. This is an effective way to draw attention to real scenarios. In the end, it is the case law that will inform how a decision should be made. Case law gets lost in footnotes, and practitioners waste time looking for cases on point after reading basic summaries in treatises. Professor Phelan's treatment of the cases prevents this from happening. (Darlene Fairman, Counsel, Herrick Feinstein LLP) Dr. Phelan's approach to the protection of cultural properties is pragmatic and informative honed from her many years of experiences teaching museum and international law at Texas Tech University, research and her previous books as well as her work with the International Council of Museums. Dr. Phelan's passion is infectious. This book does not disappoint and it will be a mainstay in any cultural property professionals library. (Roxanne M. Merritt, JFK Special Warfare Museum, Fort Bragg, North Carolina) This expanded edition of the now classic *Museum Law* by Marilyn Phelan is an amazing volume. As legal issues for museums grow more numerous and complex, this volume offers solid direction and sage advice in the areas of governance and collections. Furthermore, it delivers an invaluable international perspective that reflects the growing awareness of international concerns affecting collections in US museums. This thought-provoking volume is a critical tool in maintaining the legal health of a museum and should be consulted frequently. Applicable to all types and sizes of museums, it is a must-read not only for museum directors, but for board members and curators alike. For graduate Museum Studies programs educating emerging professionals, this is an essential and illuminating volume appropriate to a variety of courses dealing with governance, collections, and heritage laws. (Eileen Johnson, Chair of Museum Science, Texas Tech University and Executive Director of The Museum of Texas Tech University) About the Author Marilyn E. Phelan, JD, (with honors), University of Texas School of Law, PhD, Texas Tech University, was the recipient of the Paul Whitfield Horn Professor of Law at Texas Tech University, which is one of the highest honors Texas Tech University can bestow on its professors. Phelan also has served as a professor of museum science at Texas Tech University. Phelan is a certified public accountant and is certified by the Texas Board of Legal Specialization as a specialist in tax law. She was given a YWCA Woman of Excellence award and was named a Super Lawyer by Texas Monthly. In 2011, the American Bar Association Section of Business Law, Nonprofit Committee, awarded her the ABA Outstanding Nonprofit Academic Award for contributions and achievements in the field of nonprofit law.