



CLE CONFERENCE
THE GROWING NEED
TO THINK GLOBAL



CAMBODIA
CULTURAL HISTORY &
'THE KILLING FIELDS'



PRAGUE TORAH CURTAIN
A MODEL RESTITUTION
CASE?

PERSPECTIVES

NEWS & NOTES



CLE Conference

Opening the World at NY Law School

Something was in the air: the turnout for a rainy October day was in excess of 60 people—and the audience clearly engaged as the CLE program, sponsored by New York Law School and the French American Bar Association, explored current and future prospects for international law for New York practitioners. The October 16th conference, at the Center for International

**Emerging markets
spark new global
focus for NY
practices**

Law, featured a presentation by Pierre Ciric, NYLS '09, focusing on the current legal landscape around enforcing foreign judgments in the US.

Ciric, a Paris-born former pharmaceutical finance executive, detailed both strategies and tactics for weighing the implications of a foreign judgment enforceable here in the US.. The lecture explored the numerous implications of foreign judgments for the international practitioner and explored how to “dig deep down” behind the claims a client may either bring in to enforce or defend against.

Ciric’s lecture was one of several panel presentations titled “How to Launch and Grow an International Law Practice.” These panels illustrated how small law firms should welcome and manage the many challenges and opportunities derived from international matters, as foreign clients seek out legal services in the United States and as transactional and litigation work continues to extend far beyond our borders.

New York practitioners find themselves increasingly collaborating with foreign clients and counterparties, dealing with different legal systems overseas, and needing to address the impact of international law on their daily practice.

“The market represents a real opportunity,” Ciric emphasized, “but only if you can offer the expertise that sharpens your client’s competitive edge. As a practitioner, you’re up against learning the intricacies of differing legal systems overseas—and all the complications of political and legal constraints on both the business and the law.”

But there’s more to building a legal practice with an international focus than just birthright, Ciric says. “You’re really growing connections, insights and intelligence around the business you’re helping—and the more context you bring to the equation, the better the likely outcome for your clients...and your own practice.”

The 60-strong audience found real value in the NYLS/FABA program, which sparked a lively interchange and debates both during and after the panel presentations.

For full 2014 CLE conference proceedings on video, visit <http://nyls.mediasite.com/mediasite/Play/f3e6a63e3b5b44068a3445ff8a51c6f21d>

Pierre Ciric’s presentation/slideshow on judgment enforceability begins at the 01:18 mark of the proceedings



Pierre Ciric, '09, addresses Oct 16th CLE on latest developments on enforcement of foreign judgments in the US

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Prague Torah curtain returned

The Czech Republic is home to a small but vibrant Jewish community, represented by the Federation of Jewish Communities. Former Czechoslovakia's Jewish communities were not only decimated during World War II, but many priceless works of Judaica were pillaged.

One such work made the trip back home: originally from South Bohemia, a Torah Ark curtain, resurfaced in connection with a recent Judaica auction in New York. On behalf of the Federation, Pierre Ciric successfully reached an agreement with the auctioneer and the consignor for its restitution and return to Prague.

“The restitution of the Torah Ark curtain from Mladá Vožice is the first successful repatriation to the Czech Jewish community from abroad,” said Federation’s President, Petr Papoušek. “I would like to believe that we will soon see the return of other unique Judaica that were wrongfully taken out of the country. They are an integral part of the pillar supporting the collective memory of today’s Czech Jewish community.”

For more information, see ArtDaily.org, Missing item of Czech Judaica is returned from the U.S. to the Jewish community in the Czech Republic available at <http://artdaily.com/news/69047/Missing-item-of-Czech-Judaica-is-returned-from-the-U-S--to-the-Jewish-community-in-the-Czech-Republic#.VJWwcl4AEY>.

‘Stop profiting from the killing fields’ | *excerpt*

On October 1, Cambodia celebrated the return of five sandstone warriors, marking the end of their decades-long journey from a jungle war zone to the international art market. These mythological figures have now found a permanent home at the National Museum in the riverfront capital of Phnom Penh.

However, for a millennium, they had guarded the ancient capital of Koh Ker, until the chaos heralding the killing fields, when they fell victim to looters. This past summer, Christie's Auction House and the Norton Simon Museum returned two, while Cambodia recovered another from Sotheby's following 20 months of contentious litigation.

This trio is now displayed with a pair previously repatriated by the Metropolitan Museum of Art in 2013.

In contrast to Christie's and the Metropolitan—which acted without protest once discovering their statues' troubled histories—the Norton Simon and Sotheby's long fought these restitutions. Even as Cambodia enjoyed its homecoming celebrations last June, as monks blessed the figures with jasmine garlands, halfway around the world in the US, both institutions continued to fight.



They repeatedly mischaracterized the returns as generous acts of goodwill, not legal obligations. In the media the Norton Simon dismissed Cambodia's patrimony laws as "ambiguous at best," while in court pleadings Sotheby's wrongly claimed such codes were only enacted decades after the statues' theft. This is simply not true.

An entire legal regime undeniably provided for these statues' protection, and, moreover, designated them state property beginning at the time when they were carved. This is not just the authors' opinion, but also that of the Cambodian, French, and US governments.

In 1970, Cambodia erupted into civil war with the Khmer Rouge. According to US court filings, art thieves and smugglers took advantage of the conflict, looting Koh Ker around 1972. Its masterpieces were trafficked as parts to Thailand, where they entered the international market, with the so-called Sotheby's statue landing on a London auction block in 1975. That same year, Phnom Penh fell, and it was the beginning of the "killing fields," in which one in four Cambodians would die of murder, disease, or starvation.

It is not surprising these statues have now been returned to Cambodia, but that more have not followed. It is morally abhorrent that some museums, dealers, and collectors continue to profit from the killing fields.

It is also illegal.

Cambodian ownership laws have always been clear and unambiguous, and likewise, they have always been enforced to the best of the country's ability. As the capitulation in the Sotheby's case reveals, there are now no moral or legal grounds to deny the Kingdom of Cambodia and its people the rightful restitution of their national patrimony.

—*Pierre Ciric co-authored this November 1, 2014 article, which appeared on <http://news.artnet.com/market/opinion-its-time-to-stop-profiting-from-the-killing-fields-148454>, with **Tess Davis**, a New York attorney and an affiliate researcher at the Scottish Centre for Crime and Justice Research at the University of Glasgow, specializing in the pillage of ancient sites from Southeast Asia; **Max Howlett** an international lawyer directly involved in the Duryodhana case against Sotheby's; **Matthew Rendall**, an Australian working in the legal sector in Cambodia since 1994 and an expert witness for the US Government in the Duryodhana case against Sotheby's; **Sun Samnang** is a Cambodian attorney who worked on behalf of the US Government in its case against Sotheby's for the return of the Duryodhana to Cambodia.*

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SEASON'S GREETINGS AND
BEST WISHES FOR A HAPPY NEW YEAR!

