

In Conversation with *Maggie Hoag,* **Deputy General Counsel, Americas, at Christie's**

Alexander (Sami) Kardos-Nyheim

Maggie Hoag is Deputy General Counsel, Americas, at the auction house Christie's. She studied art law at Stanford, and was involved in the sale of Leonardo da Vinci's painting Salvator Mundi for a historic \$450 million.

CJLPA: Tell us a little about your background. How did your experiences culminate in a career at Christie's, and could you summarize your career progression there?

Maggie Hoag: I have a university background in languages (French and Italian), art history, and architecture. After graduation, I joined Christie's' Chicago office as an intern. While in that position, I worked closely with the Trusts and Estates group, who focused on initiating and maintaining strong relationships both with clients and their estate planning advisors. I knew that I wanted to find a career that focused on art, but I wasn't interested, nor did I think I would be successful, in being a specialist nor a curator, rather desiring a more business-focused role. I discovered that there was such a thing as 'art law' and—while I didn't plan on ever being an attorney—the concepts intrigued me. I applied only to law schools that had a strong focus on art law and intellectual property law. At Stanford, I trained under one of the pioneers of the area, Professor John Henry Merryman, who focused heavily on cultural property law. I went on to find externships in the industry and then start my career at Hughes Hubbard & Reed in New York. They had a very strong museum law practice and I helped build a roster of clients including museums, cultural organizations, galleries, collectors, and artists. After six years in private practice, I landed at Christie's. And now, it's ten years later!

CJLPA: Could you describe your current role?

MH: My current role is Deputy General Counsel, Americas. Initially, when I started at Christie's, I acted as the legal liaison for a variety of specialist departments, working as a partner through the auction and private sale consignment process, through the sale itself, and then

handling any post-sale issues. Now my role is both more focused and more broad—it certainly diversified over the years. A few particular focus points are, firstly, playing the legal lead for the 20/21 department—which includes art from the Impressionist period to the present day—as well as spearheading the legal oversight of cultural property issues, primarily for the Antiquities and African/Oceanic departments. I take a lead position on identifying deal risks, particularly with large multimillion-dollar collections of art from trusts and estates. I handle bits of employment law and intellectual property and—lately—have been wrapping my head around NFTs, blockchain, and cryptocurrency!

CJLPA: Where does your passion for law come from?

MH: Honestly, I don't know that I can definitely state that I have a 'passion for law'. I do have a passion for art and a passion for making deals happen with both sides coming out as pleased as possible. I love to solve problems and find pragmatic business-savvy solutions. I very much enjoy getting to know our clients and their legal representatives and figuring out how to navigate a deal that addresses their particular concerns while keeping my client, Christie's as a whole, in a safe and profitable position. One fact about being a lawyer—you really are simply bringing a certain way of thinking logically to a situation. To me, law is more of a mindset. There is a misconception that lawyers get in the way and that their only role is to scare everyone about risks, but that is actually only a type of lawyering and not a type to which I subscribe.

CJLPA: What are some career highlights for you? And what is the most rewarding part of your role?

MH: I would have to highlight a few stellar consignments, including the Ebsworth Collection, the greatest privately owned collection of American modernist art that ever came to market, which set thirteen artist records with Edward Hopper's *Chop Suey* selling for over \$91 million, the sale of Leonardo da Vinci's *Salvator Mundi*, which sold for an historic \$450 million to a deep pool of bidders and required what seemed like endless negotiation and research, and—of course—our recent sale of STAN, a nearly complete 67-million-year-old *Tyrannosaurus rex* skeleton, for nearly \$32 million, nearly four times its pre-sale high estimate. STAN showed several aspects of what makes working at Christie's so rewarding—many different teams coming together to figure out the complex legal and operational challenges involved with selling a dinosaur, and a novel pairing of our head of Scientific Instruments, Globes and Natural History department in London with our Chairman of our now-titled 20/21 department in New York. The research started in January 2019. The sale happened in October 2020. We had planned to have lines around Rockefeller Center so that New Yorkers and tourists alike could view this glorious beast. Instead, we got hit with COVID—no visitors allowed! Our operational team worked their magic so that STAN could face the Plaza through our windows. The bidding went on for more than 10 minutes, which is a lifetime in the auction world.

CJLPA: How are you involved in promoting art law to a new generation, or future practitioners?

MH: I take mentorship very seriously, on both a formal and informal level. I speak with law students and early law school graduates on a weekly basis as they look to shape their own career paths. Interestingly, I recently had the chance to hire onto my team two of my former interns whose interest in the field continued through their early careers until they each made their way back to Christie's as in-house counsel. On a separate level, I speak at a variety of workshops and symposia, familiarizing more seasoned attorneys who may have never heard of or practiced in the field.

CJLPA: What tools do students need to practice art law? Where do you see most art lawyers come from: career changers or those who join the field as soon as they're qualified?

MH: As noted earlier, I speak with many students who are interested in the field. They want me to say that having a passion in art and art law is enough. It's not. The most important tool is that you need to be a good lawyer—a true generalist with the ability to make difficult and reasoned decisions. Other key skills are knowing when you can make a gut decision and when you need outside specialized advice. Having the confidence to make those decisions and being able to communicate to your clients why you are taking the position that you are is sacrosanct. A junior attorney has to be comfortable with herself in order to be respected by her clients. As far as joining the field, at least in the US, training at an established law firm is key. Heading straight from law school to a museum or auction house is both unlikely and impractical. An attorney practicing in-house at a museum or auction house does not have time to provide adequate training. While I no longer work the same immensely long hours and weekends as I did in private practice, any in-house attorney will tell you that there is no break to the day.

CJLPA: Why should a student study art law? What would you hope their next steps would be?

MH: Art law is usually a semester-long course so there isn't much room to 'specialize' in it while at law school. However, a student

can take advantage of the many internships and externships that cultural institutions offer (albeit unpaid!). Then you can see if you like it and hone in on what you like about it. For me, I know one of my skills is drafting contractual documents that don't read like they are from 250 years ago—'heretofore', 'whereas'—but instead make sense to a businessperson. That said, if I were drafting contracts for the sale of widgets that make a car engine run, I would go mad. At the end of the day, I am working on a contract for a masterwork of art that may have been in the same collection for generations. I get to see and love the art when it arrives at Christie's. I get to participate in the excitement of someone else competitively bidding in a packed room full of collectors and dealers for the chance to hang that masterwork on her own wall. As far as next steps, speaking with art law practitioners is a good step, with those who are in-house or at a law firm, and with those in transactional and litigation practices.

CJLPA: Are there legal considerations in art law that you don't find in other areas?

MH: Yes, a few. There are issues of authenticity and provenance. There are laws specific to cultural property and endangered species. In New York City, we have auction regulations with which to abide. No doubt we have to consider copyright laws in both the art and our images. The art market seems to be moving to a more regulated environment—certainly on the anti-money laundering front. Like the legal world generally, there is a lot to know, and you have to keep a finger on the pulse.

Alexander (Sami) Kardos-Nyheim is a third-year undergraduate in Law at Trinity College, Cambridge. He is the Founder and Editor-in-Chief of *CJLPA*. He has played an important role in efforts across London and Cambridge to protect communities and heritage assets from luxury redevelopment projects.
