

# Nicholas M. O'Donnell



## Partner

Boston

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## Practices

- Art & Museum Law
- Intellectual Property
- Litigation
- Content Clearance

## About

Nick's practice focuses primarily on complex civil litigation. He represents manufacturers, individuals, investment advisers, banks, and others around the world in contract, securities, consumer protection, tort and domestic relations cases, with particular experience in the German-speaking world. He is also the editor of the [Art Law Report](#), a blog that provides timely updates and commentary on legal issues in the museum and visual arts communities, one of his areas of expertise. Nick is a member of the Art Law Committee of the New York City Bar Association.

Additionally, Nick has authored and contributed to several books on art law:

- *A Tragic Fate—Law and Ethics in the Battle Over Nazi-Looted Art*, (Ankerwyke/ABA Publishing, 2017)
- "Public Trust or Private Business? Deaccessioning Law and Ethics in the United States," in *Éthique et Patrimoine Culturel – Regard Croisés*, G. Goffaux, ed., (L'Harmattan, 2016)
- "Vergangenheit als Zukunft? Restitutionsstreitigkeiten in den Vereinigten Staaten," in *Ersessene Kunst—Der Fall Gurlitt*, J. Heil and A. Weber, eds., (Metropol, 2015)
- "Nazi-Looted Art—Risks and Best Practices for Museums," in *The Legal Guide for Museum Professionals*, Julia Courtney, ed., (2015, Rowman & Littlefield)

## Education

- J.D., Boston College Law School
- B.A., *magna cum laude*, Williams College

## Bar Admissions

- Massachusetts
- New York
- District of Columbia
- U.S. District Court, District of Massachusetts
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York
- U.S. Court of Federal Claims

- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- Supreme Court of the United States

## Representative Client Work

- Lead counsel to plaintiffs seeking restitution of the Guelph Treasure, sold under duress by Jewish art dealers in 1935 to the Prussian government, the first case in which a U.S. court has found jurisdiction over a German state museum for claims to allegedly Nazi-looted art. Upheld on appeal in *Philipp v. F.R.G.*, 894 F.3d 406 (D.C. Cir. 2018)
- Counsel for heirs of renowned Berlin art dealer Alfred Flechtheim in investigation and recovery of art looted by the Nazis from the Galerie Flechtheim
- Represent members of the Berkshire Museum in litigation concerning proposed sale of 40 works of art to fund museum operations
- As lead counsel to Artmentum GmbH in widely publicized \$204 million lawsuit over sale of a fine art collection, won motion to dismiss all claims in *Art Assure Ltd., LLC v. Artmentum GmbH et al.*, Case No. 1:14-cv-03757 (LGS) (S.D.N.Y.)
- Represented a New York art dealer in litigation involving claims for restitution of artworks alleged to have been stolen during the Nazi occupation of France. Obtained complete dismissal of all claims against client. *Meyer v. University of Oklahoma Board of Regents, et al.*, Case No. 1:13-cv-3128 (CM)
- Served as first chair in federal court trial and settlements concerning private flight services
- Successfully represented a home furnishings manufacturer in a jury trial in which a former employee was claiming equity in the company and deferred compensation
- Achieved the complete dismissal of lawsuit attempting to pierce the corporate veil of a health care provider trying to hold liable two investment adviser defendants alleged by plaintiffs to be shareholders
- Defending a foreign financial services company in litigation concerning third party fraud, including an internal investigation in Europe overseeing the preservation, collection and analysis of data spanning nearly 20 years
- Represented a Dutch manufacturing company in resolving an international dispute with a Japanese automotive supplier concerning their worldwide supply chain and allegedly defective components. Responsible for managing the worldwide investigation into the substance of the claim and the legal review and risk assessment, as well as directing the negotiations in the Netherlands, France, and

the United States

- Obtained a dismissal on First Amendment grounds of lawsuit challenging the governance of a religious school in Brookline, Massachusetts. The case was as upheld on appeal. *Oster v. New England Hebrew Academy*, 63 Mass. App. Ct. 1115, 827 N.E. 2d 258 (2005)
- Won summary judgment for landowners in Massachusetts state court in a case concerning the scope of subdivision and land use rights
- Advises museums, dealers, auction houses and collectors worldwide about restitution, copyright and de-accessioning issues
- On a pro bono basis, obtain restraining and privacy orders for victims of domestic violence and assert immigration rights of crime victims
- Served as first chair in child abduction and Hague Convention cases

### **Awards & Recognition**

- "Up & Coming Lawyer," *Massachusetts Lawyers Weekly*, 2008
- "Rising Star," *Massachusetts Super Lawyers*, (2007, 2009, 2010-2012)

### **Professional & Civic Activities**

- Member, Art Law Committee, New York City Bar Association
- Co-Chair, International Bar Association's Art, Cultural Institutions and Heritage Law Committee
- Past Vice President, Danforth Museum of Art Board of Trustees
- Boston Bar Association
- Boston Bar Association, Public Interest Leadership Program

### **Languages**

- German
- Spanish