

# Dr. Derek Fincham

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## ACADEMIC APPOINTMENTS

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### **South Texas College of Law**

Assistant Professor of Law, 2010-present

Courses taught: Legal Research and Writing I; Legal Research and Writing II

### **Loyola University New Orleans College of Law**

Westerfield Fellow, 2008-2010

Courses Taught: Legal Research and Writing; Moot Court; and Property Heritage and the Arts

### **Association for Research into Crimes against Art (ARCA)**

**Academic Director** of the Postgraduate Certificate in Art Crime and Cultural Heritage Protection, May-August each summer in Amelia, Italy

2010-present

**Visiting Lecturer**

2009-present

Courses Taught: Art and Antiquities Law and Policy

## EDUCATION

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**University of Aberdeen School of Law, Ph. D.**, Scotland, U.K., May 2008

Doctoral Dissertation: *Preventing and Repairing These Losses: The Response of the United States and the United Kingdom to the Illicit Trade in Cultural Property.*

**Wake Forest University School of Law, J.D.**, May 2005

Assistant Articles Editor, *Wake Forest Intellectual Property Law Journal*

**University of Kansas,**

**Bachelor of Arts** in American and European History 1997-2000

## SCHOLARSHIP

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### **In Progress:**

- *The Distinctiveness of Property and Heritage* 114 PENN ST. L. REV. \_\_\_\_ (forthcoming, 2011).

### **Articles:**

- *Deaccession of Art from the Public Trust*, J. OF ART, ANTIQUITY & L. 1 (July 2011) (Peer Reviewed).
- *Fraud on Our Heritage: Towards a Rigorous Standard for the Good Faith Acquisition of Antiquities*, 37 SYRACUSE J. INT'L L. & COM. 145 (2010).
- *How Adopting the Lex Originis Rule Can Impede the Flow of Illicit Cultural Property*, 32 COLUM. J. L. & ARTS 111 (2008).
- *A Coordinated Legal and Policy Approach to Undiscovered Antiquities: Adapting the Cultural Heritage Policy of England and Wales to other Nations of Origin*, 15 INT'L J. CULTURAL PROP. 347 (2008) (Peer Reviewed).

- *Why Federal Criminal Penalties for Dealing in Illicit Cultural Property are Ineffective, and a Pragmatic Alternative*, 25 CARDOZO ART & ENT. L. J. 597 (2007).
- *Rejecting Renvoi for Movable Cultural Property: The Islamic Republic of Iran v. Denyse Berend*, 14 INT'L J. CULTURAL PROP. 111 (2007) (Peer Reviewed).

### Shorter Writings:

- **Book Review:** METAL DETECTING AND ARCHAEOLOGY, (Suzie Thomas & Peter G. Stone eds. 2008), in 115 AM. J. ARCHAEOLOGY (2011), available at [http://www.ajaonline.org/pdfs/book\\_reviews/115.1/01\\_Fincham.pdf](http://www.ajaonline.org/pdfs/book_reviews/115.1/01_Fincham.pdf).
- **Editorial:** *Response to David Grann's "The mark of a Masterpiece,"* published in the New Yorker: From a Legal Perspective 4 J. OF ART & CRIME 91 (2010).
- **Essay:** *Iran Wins Barakat Appeal*, in WITNESSES TO HISTORY: DOCUMENTS AND WRITINGS ON THE RETURN OF CULTURAL OBJECTS, 388-390 (Paris, UNESCO, Lyndel V. Prott ed., 2009).
- **Book Chapter:** *The Fundamental Importance of Archaeological Context*, in ART & CRIME: EXPLORING THE DARK SIDE OF THE ART WORLD (Praeger, Noah Charney ed., 2009).
- **Regular Column, An Empty Frame: Thinking About Art Crime:**
  - *Stealing Street Art from a Blighted Canvas*, 5 J. OF ART CRIME (2011).
  - *Palm Tree Justice for Derelict Guards*, 4 J. OF ART CRIME 69 (2010).
  - *Thoughts on the Leonardo Trial*, 3 J. OF ART CRIME (2010).
  - *Are Police Posters Art?*, 2 J. OF ART CRIME 67 (2009).
  - *What is Art Crime?*, 1 J. OF ART CRIME 49 (2009).
- **Book Review:** *The Acquisition and Exhibition of Classical Antiquities* (Robin Rhodes ed. 2008), BRYN MAWR CLASSICAL REVIEW, 2008.
- **Conference Report:** *The Lex Situs Principle in Modern Claims for the Return of Cultural Objects*, JOURNAL OF ART, ANTIQUITY AND LAW (2008).

### Blogging:

- Author of the Illicit Cultural Property Blog, <http://illicit-cultural-property.blogspot.com/> - since 2006, it has featured regular discussion of cultural property news and policy with international recognition. As a result of the blog I have appeared in the New York Times, Time Magazine online, WNYC in New York, the Associated Press, the Chronicle of Higher Education, BBC Reporting Scotland, NPR Affiliate KPCC and BBC Radio.

### Select Scholarly Presentations:

- "Social Norms and Cultural Heritage" a presentation at a symposium titled Defending Aphrodite: Enforcing International Cultural Property Law sponsored by Tulane Law School and the European University Institute, Siena, Italy (June 3-4, 2011).
- Moderator and Panelist: "The Difficulty in Using Criminal Offences to Police the Antiquities Trade" American Society of Criminology 2010 Annual Conference, San Francisco, CA (Nov. 2010).
- "Forged Antiquities: Preventing their Sale and Display," The ARCA Conference on the Study of Art Crime, Amelia, Italy (July 2009).
- "Fraud on Our Heritage: A Rigorous Standard for the Good Faith Acquisition of Antiquities," University of Chicago Cultural Property Center Invited Symposium Presentation (May 2009).
- "Can Increased Criminal Penalties Ever Substantially Impact the Illicit Trade in Antiquities: What the US can learn from UK Cultural Policy," British Society of Criminology, Huddersfield England (July 2008).

- “Financial Innovations Law, Developing Archaeological Discovery and Conservation,” organized by the Milken Institute and the University of Chicago Cultural Policy Center, Los Angeles, California (Jan. 2008).
- “The Lex Situs Rule: A Poor Tool for Combating the Illicit Art and Antiquities Trade”, The Institute of Art and Law, London, U.K. (Dec. 2007).
- “New Strategies for Source and Market Regulation of the International Trade in Cultural Property,” International Law and Trade Conference: Bridging the East-West Divide. Istanbul, Turkey, Bilgi University School of Law (May 2007).
- “A Legal and Ethical Evaluation of the Dispute between Italy and the Getty regarding the *Bronze Statue of a Victorious Youth*”, Aberdeen Legal Research Society (March 2007).
- “Freedom of Expression or Religious Tolerance: The Danish Cartoon Controversy,” Aberdeen Legal Research Society (Nov. 2006).

**Doctoral Thesis:**

- PREVENTING AND REPAIRING THESE LOSSES: THE RESPONSE OF THE UNITED STATES AND THE UNITED KINGDOM TO THE ILLICIT TRADE IN CULTURAL PROPERTY (Prof. Norman Palmer & Dr. Christa Roodt, examiners, 2008).

**Memberships:**

- State Bar of Georgia Since 2005 (inactive).