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A New Niche



Alexandria firm practices 'cultural heritage law'

BY ALAN COOPER

Shortly after he started as an associate for Piper Rudnick LLP in Washington, Greg Werkheiser took on what he thought would be a short pro bono project for a Native American tribe that was trying to preserve 40 acres of land in New Jersey.

The site with a 10,000-year record of human occupation was in jeopardy because the town of Vernon wanted to develop it as a recreational complex.

Six years and 4,000 hours later, the battle for development of the Black Creek site ended and the complex was not built.

The property contains a deposit of flint that tribes from far away visited to get stone for arrowheads and tools. It is now listed in the New Jersey and National Registers of Historic Places.

Although he continued to work as a litigator for large Washington firms, the pro bono project instilled in Werkheiser a fascination with what he acknowledges some would consider "among the nerdiest" of interests – a passion for cultural heritage law.

Along the way, he met Donald Craib, an attorney who has been a staff member of such organizations as the Society for American Archaeology and The Archaeological Conservancy.

Craib introduced Werkheiser to Marion Forsyth, who had earned a bachelor's degree from Indiana University in political science and classical civilization with an emphasis on classical art and archaeology before heading to Harvard Law School.

She practiced corporate, regulatory and international trade law for a Washington firm but maintained her interest in archaeology and cultural history and teaches a course on international and domestic cultural property law at the College of William and Mary law school. She also has edited and contributed articles to books in the field.

The couple married and this summer, "my wife and I and the guy who introduced us" formed Cultural Heritage Partners LLC, Werkheiser said with a chuckle.

The vision of the Alexandria-based firm is to provide legal and consulting advice on the full range of cultural-heritage issues – from helping museums and foreign governments resolve disputes over the ownership of antiquities to contracts between museums for exhibits and management matters that cultural organizations often face.

The principals in those organizations are often "passionate about the subject matter but not always focused on the legal requirements to sustain a business for the long term," Werkheiser said.

He said he hopes such entities will "let us strategize about the business and law so they can concentrate on the preservation strategy."

An early client is a major university foundation that recently took ownership of a historic property that contains hundreds of acres. It wants help with the legal issues associated with the acquisition and with a strategy to accommodate and take advantage of the opportunity for growth that it represents, Werkheiser said.

Other clients have had questions about the use of tax credits as an aid to historic rehabilitation. "It's starting to pay the bills," Werkheiser said. "That's our threshold for success initially."

"There's a ton of work that's going on, and a ton of work that should be going on," he said. "There are clients out there who recognize that they should be taking legal steps."

Beyond that is the opportunity to educate potential clients about such dangers as acquiring an antiquity that its home country might well view as having been stolen.

Despite the manifold opportunities Werkheiser sees for work in the field, he acknowledges, "It is a niche. Time will tell whether we're crazy or whether we're on to something. The initial indications are good."