

M.C. Sungaila, William Feldman, Marco Pulido in *The Recorder*: Holocaust-Era Art and Property Recovery Claims After 'Zuckerman'

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PRACTICES Appellate

Last week, the U.S. Supreme Court declined to review the U.S. Court of Appeals for the Second Circuit's decision in *Zuckerman v. Metropolitan Museum of Art*, which held that the equitable doctrine of laches barred a claim to recover a Holocaust-era artwork, even though that claim was brought within the six-year statute of limitations that Congress enacted through the Holocaust Expropriated Art Recovery (HEAR) Act, see *Zuckerman v. Metropolitan Museum of Art*, 928 F.3d 186 (2d Cir. 2019).

In this article, we detail the background of *Zuckerman*, the framework of the HEAR Act, and the implications of the court's cert denial on Holocaust-era art and property recovery claims. We also offer reasons why *Zuckerman* was wrongly decided, and ways to anticipate and respond to the laches defense—which museums and collectors may now raise as a matter of course—in future HEAR Act cases. We conclude with suggestions to incentivize museums to return art looted or sold under duress during the Holocaust, without the need for litigation.

Excerpted from *The Recorder*. To read the full article, click [here](#).