

CONVERSATION WITH A COLLEAGUE: TARA GONSOWSKI

This article is part of a continuing series of interviews between Rajiv S. Khanna and leading practitioners across the country, designed to provide personal and professional insights into various areas of the law.



RAJIV S. KHANNA, US immigration attorney, is the principal of the Law Offices of Rajiv S. Khanna, PC. Since 1993, Rajiv has focused his and the firm's practice on employment and business-based immigration and related administrative and federal audits, investigations, and litigation. The firm represents individuals and businesses from every major city in the US and internationally. Rajiv's immigration practice includes transactional work (immigration/visa petitions, etc.), compliance consultations, defending government audits, and related litigation as well as providing assistance to criminal defense teams against allegations of immigration violations. Rajiv has been presenting educational seminars for more than ten years with an emphasis on practical

approaches for compliance with immigration laws. The firm's website (<http://www.immigration.com>) is the oldest portal and compendium of immigration law.



TARA GONSOWSKI is the founding attorney of Gonsowski Law, PC and has dedicated her career to working in the arts. With over 15 years of experience in both the for-profit and nonprofit sectors of the art world, she advises clients on a broad range of arts-related legal matters and transactions. Her clients include museums, charitable organizations, collectors, dealers, galleries, designers, and artists. Tara acts as "outside general counsel" for museums and other cultural institutions, providing specialized and cost-efficient legal services to assist departmental clients with issues involving contracts, tax, intellectual property, risk management, and more. Tara also advises museum clients on commissions, sales, and acquisitions of non-fungible tokens (NFTs) and related legal considerations.

Rajiv S. Khanna: Tara, welcome. Please introduce yourself to our readers.

Tara Gonsowski: Thank you so much for having me. My name is Tara Gonsowski and I have a boutique firm that serves museums and other nonprofit cultural institutions around the country. I had previously worked in-house at a major modern art museum and saw firsthand that museums have a huge legal workload but often a small legal budget. I thought there was a real need for a firm that provides specialized arts-related legal services through a cost-efficient model for museum and other nonprofit clients.

What kind of legal work would exist in museums?

We provide all transactional services. Museums are corporations like any other except they're nonprofits, so we'll review and negotiate any sort of contract that might come across the museum's desk, whether it's an art-specific agreement related to a commission, installation, loan, or exhibition or agreements for

janitorial services for the museum, elevator services, software agreements, marketing agreements, internship, and volunteer agreements. Really any contract that the museum might need legal counsel on.

So, the typical issues you encounter are related to contracts that are common to all nonprofits, not specific to museums?

Yes. But there are some museum-specific considerations when we're looking at the risk that museums are willing or able to take on because they hold their assets in trust for the benefit of the public and serve specific, charitable purposes in relation to the art that they make available to the public.

Do you also deal with things like when exhibits are on loan to museums? What do you watch out for?

That's a lot of what we do. We work in that realm in two ways. We help our museum clients draft really

solid incoming and outgoing loan templates that they can use when either borrowing or lending artworks. When they're doing a specific loan, whether it be incoming or outgoing, we help review and negotiate the terms as necessary.

Talk to me about the history of your career. How did you happen to become a specialist in museum-related work?

I took a very non-traditional career path. When I was starting college, I thought I wanted to be a lawyer, but I didn't have any lawyers in my family and I didn't really know the different areas of law, so I couldn't justify the financial or time commitment at that time. I also was taking art history courses and had always loved art, so I pursued that path instead. I worked at a gallery in New York for about 10 years where I started to see firsthand how art and the law intersected. In particular, an issue came up in relation to the Endangered Species Act and some works that we had in our collection, and I helped navigate that and resolve it for the gallery. When I saw that I could actually marry my two passions, I decided to go to law school. So, I went back to law school later in life after I had already had a full career that was hard to leave. While I was in law school, I was hyper-focused on working in art law. Because it is a niche field, there aren't a ton of opportunities so in order to build my skill set and gain as much experience as much as I could, I worked with an organization called Volunteer Lawyers for the Arts, providing free legal aid to low-income artists.

During law school, I also worked in-house at Christie's as an intern and then I had my post-grad position, which was a general counsel fellowship at SFMOMA and that was where I really got this museum experience. Of all the areas in the art world I had worked, working at a museum was where I felt the most rewarded and most passionate about the work I was doing. I felt like I could see in the museum the impact of the work that I did and that's how I kind of stuck in that path.

How much time do you spend actually looking at the exhibits?

Oh gosh, not enough. When I actually worked in-house at a museum, I made it a goal that at least one day a week, I would spend an hour in the museum before or after work. In private practice, pre-covid, I used to visit my clients in person at least one or two times a month. I've now just started going back into the office in the past couple months more regularly, so I try to get into a museum at least every other week. And if I'm going to visit or meet with a client in person, I might not have time to see the whole museum, but I try and see at least one show or one exhibition while I'm there.

What are the most exhilarating and the most challenging aspects of your job?

The most exhilarating is definitely seeing the projects we work on come to life and seeing museum visitors enjoy them. And sometimes what we've contributed is such a tiny part—it's the incredible curators and exhibition staff that really put these exhibitions on. But, for example, one exhibition that I worked on contained a video component that the artist insisted be played on a projector from the 1970s. But we realized that that projector gave off a lot of heat. To protect the other artwork in the exhibition, there needed to be special ductwork redone so that there could be a cooling system for the projector. I worked on the contract with the HVAC person to get all that ductwork into place. So, when I walk through the exhibition and I see people enjoying the video, it's really exhilarating to me to know how much work went into having that one projector in place there. I really enjoy that part of it.

I think the challenging part—and this might be a challenge for lawyers in a lot of other areas as well—is when a client comes to us with an idea that personally we love, but once we do the legal analysis, we have to advise the client that they shouldn't move forward because it's too risky. That's tough. I want to help these projects come to life. I want to facilitate the goals and these incredible creative ambitions that my museum clients have. But

sometimes, my job as their lawyer to think of worst-case scenarios leads me to have to recommend that they not proceed. That's a challenge both personally and professionally because I have this personal love of art, but professionally I have to make sure I'm always protecting my clients, advocating for their best interests, and mitigating risk.

If the worst part of your job is that you sometimes have to rain on someone's parade, that's not too bad.

No, I'm very lucky. I love what I do. I have an incredible team. We have incredible clients, incredible professional colleagues—the museum attorney community is just a wonderful community to be a part of. I wouldn't be where I am today without my colleagues that have encouraged and mentored me along the way.

How small is that community?

It is a relatively small community—a few hundred of us. We have a formal, professional group that meets twice a year, and we have an email thread where we can ask questions and seek out resources. It's really wonderful.

Does your work involve international private law or are you mostly domestically oriented?

Mostly domestic. Every now and then we negotiate agreements with an international entity. The two primary instances where we work internationally are if someone is lending a work to an international institution or we're working with an international artist, but we're primarily domestic.

What would you recommend to someone who would like to get into this area of the law?

This question comes to me a lot from law students or from people wanting to change fields. The truth is there are not a ton of jobs in this field. It is a pretty niche field. When I was a law student, my art law professor told me the first thing you have to do to be an art lawyer is become a really, really good lawyer. And then secondarily, keep a finger on the pulse

of what's happening in art law and attend conferences. I really took that advice to heart and worked on studying all the areas of law that I thought would be most helpful to this field while I was in law school. I also did a lot of networking and worked on becoming a really good lawyer while also making sure that all my connections were being fostered in the field that I wanted to be in.

I think the other bit of advice is you really do have to show a demonstrated interest in the arts. Having an arts background is helpful if you want to pursue a career in this field. And finally, don't give up. Many, many people told me when I was in law school that there were no jobs in art law, and I would have to go to a big firm for 10 years first and then maybe get an in-house job. But I stuck to my guns. I was really passionate about what I wanted to do.

Do you miss any parts of the legal practice by being a boutique firm?

I love transactional work. If we do our job well and make sure all the right terms and protections and details are in the contracts that we negotiate for our clients, they never have to go to court. I love the risk mitigation aspect of what we do—really thinking through all the potential legal issues and making sure that those are all covered in the contract to ensure our clients are adequately protected (sometimes to the frustration of clients when I'm trying to really get as many details into these agreements as possible).

If you were to go back to law school knowing what you know today, what courses would you focus on?

I really focused on what I thought would be helpful to practicing art law while I was in law school—tax law and intellectual property law. I took a course in law school called Income Taxation for Artists, Athletes, and Entertainers that covered international taxation of artists. And that was one of the first matters that came across my desk when I started my in-house fellowship at SFMOMA. I wish law schools offered more transactional courses so that you could get that practice in law school and learn

whether you liked it or if you wanted to follow the litigation track.

How about torts? Any slip-and-falls?

We don't really deal with that in our practice. We certainly make sure we're getting indemnification against any potential slip-and-falls and that there's a gross negligence standard in our contracts, but if there is an actual injury at any of our museums, their litigation firms handle it.

Would you talk a little bit about your hobbies, what you do with your spare time, or what you would like your colleagues to know about you personally?

A fun fact about me—I have a 1969 Volkswagen Beetle convertible. When I was a little girl growing up, I told my dad that was the car I always wanted. When I was 12 years old, he bought a rusted-out, not-running one for me and we rebuilt it together. It was ready for my 18th birthday. I just turned 40 and still have it!

I'm a mom of three, so right now most of my hobbies revolve around my kids. We love to spend a lot of time at the beach and one day I look forward to reading for leisure again though I don't get to do that much right now. I love to bake and cook with the kids and take them to museums. 🍪