

The Bulletin

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"Friends Of Barnes Fires Its Attorney"

by: Jim McCaffrey - 12/18/07

Merion - Mark Schwartz, the outspoken legal face of the effort to keep the Barnes Foundation's art collection in Merion, was fired yesterday two weeks before a critical response is due.

Jay Raymond a spokesperson for The Friends of the Barnes, a group of Barnes Foundation neighbors and former students of the Barnes who are fighting to keep the \$6 billion art collection in its Merion home over the intentions and objections of the Barnes Foundation itself and a collection of wealthy and powerful friends, acknowledged Mr. Schwartz had been fired.

He declined further comment.

"All I can say is that this is in (our) best interest," Mr. Raymond stated.

Mr. Schwartz, angry at the dismissal, responded, "The bottom line is they want my work product without paying for it. I told them from the beginning I have a hard time putting them in the category of the truly needy when (Friend of the Barnes member) Aram Jerrehian drives to my house in a Ferrari to tell me they are a group of modest means. I am not the community chest for people with mansions and Ferraris."

He claims he is owed close to \$100,000, according to letters delivered to the Montgomery County Orphans Court.

The dismissal comes in a week when attorneys began filing objections to petitions to reopen the decision to allow the Barnes Foundation to move its art collection to a new gallery on the Benjamin Franklin Parkway in Philadelphia.

Replies to the objections are due Dec. 31.

It's not known if The Friends will need or can get an extension on that deadline after its decision to fire Mr. Schwartz.

The Friends and Montgomery County government drafted separate petitions earlier this year asking Montgomery County Orphans' Court Judge Stanley Ott to reopen his decision to allow the Barnes' collection to move.

Mr. Schwartz represented Montgomery County until the County became uncomfortable with his accusations that there is a conspiracy among many of the most wealthy and powerful people in the area to whisk the \$6 billion Barnes collection out of its custom designed Merion gallery and put it not in a new home on the Parkway as the public has been told but rather in the Philadelphia Museum of Art.

The brief Mr. Schwartz wrote requesting Judge Ott's reopen his decision is a one of the most comprehensive documents available on the Barnes litigation history.

Last week Mr. Raymond wrote Judge Ott on behalf of The Friends asking for a conference with the judge without Mr. Schwartz present.

Judge Ott responded saying he only speaks with the lawyers.

He added, "If you are unhappy with Mr. Schwartz's representation, you must decide if you wish to terminate the relationship. It is not a matter in which the Court can get involved."

Mr. Raymond complained in his letter to Judge Ott, "Our telephone calls [to Mr. Schwartz] have gone unreturned and our emails have either been ignored or answered unresponsively. ... [He] left us wondering

whether he intended to file the brief in support of our petition. We were not even advised that he sought an extension of time by which to comply. His comportment has been and is in contravention of the representation agreement he prepared and his continued participation in the case before the court is destined to have a material adverse effect upon our fervent cause."

He then told the judge The Friends are looking for a new lawyer.

Sources close to The Friends say they hope to hire a new attorney by the end of the week.

Mr. Schwartz wrote Judge Ott after reading Mr. Raymond's letter. In the letter he claimed Mr. Raymond misrepresented the facts and knew very well contacting the judge in that way was improper.

He said he responded "amply" to the "continuous bombardment and harassment" of The Friends.

The lawyer told the Judge he specifically asked [Friends of the Barnes member] Dr. Walter Herman if they wanted to discharge him.

He added, "It now appears that they never intended to fulfill their financial obligations. ... At the outset I make clear that while I was sympathetic to their cause, I would not underwrite it. At this point they owe me close to \$100,000 and refuse to pay the amount due and owing."

He accuses Mr. Raymond of wanting to take his work product and turn it over to another lawyer without paying for his services.

Asked yesterday if he would sue for payment Schwartz replied affirmatively, "I am really angry about this. I have witnesses who can say they didn't do the fundraising they said they would. These are people who could have helped."

He added plaintively, "I seriously believe I could have won that case."

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