

New York

After more than a year of castigating the New York Academy of Art (see Art & Auction, February 1995), art collector Stuart Pivar is suing the traditionalist art school he helped found in 1981. The suit names the academy and two of its trustees, Dennis Smith and Russell Wilkinson, charging them with, among other improprieties, negligence, fraud and breach of fiduciary duty. But many observers, including friends of Pivar, question the multi-million-dollar suit. "Stuart prompted me to talk to the students this year and find out their complaints," says New York artist Michael Glass, who graduated from the academy in 1991. "But I didn't find anyone who agreed with him."

Pivar's suit, filed in New York State Supreme Court in Manhattan in April, includes allegations that Smith, the academy's former chairman, and Wilkinson, its current chairman, "commandeered control" of the school by tricking Pivar into resigning and then failed to monitor the institution's comptroller who mismanaged academy expense accounts over a two-year period before being fired in 1994. (According to an academy spokesperson, the comptroller was responsible for some \$175,000 in losses.) Moreover, the suit maintains that Wilkinson exercised "blatant nepotism" in appointing his wife, Eileen Guggenheim, as dean of the academy. "They're destroying the school," Pivar contends.

But others disagree. As litigation proceeds, it will become clear that Pivar's lawsuit is totally frivolous," says **Richard Roth**, a lawyer with Littman, Krooks & Roth, the New York firm that is representing the academy. Equally emphatic is Gerard Harper of New York's Paul, Weiss, Rifkind, Wharton & Garrison, who is representing Wilkinson: "Pivar is a man who is simply harassing the school and those connected to it."

Pivar's opposition to the academy dates back to at least 1993, when the school seemed to be foundering: the focus of its curriculum had changed from straight anatomy and figuration to broader concepts of color and composition; students were signing petitions of complaint regarding the curriculum and other related issues; and the comptroller was mishandling the finances. A lack of financial record keeping and the board's failure to convene finance and education committees also contributed to the school's difficulties.

Pivar Sues New York Academy of Art

"But that's old news," claims the academy's director, Barbara Krulick. "Today we're on an upward course." Indeed, a 1994 report by independent educational consultant Robert Montgomery concluded that the school's problems were relatively minor. So what's Pivar's beef? Some suggest that the suit is actually a vendetta against Guggenheim, whose sister, Los Angeles art consultant Barbara Guggenheim, dumped Pivar in 1992 after a 14-year relationship. Others say that he simply hates to see the school veer away from his original conception of it. "Stuart has certain ideas about the school, and he doesn't want it to change," says Glass.

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-Jacob Collins

Glass's observation may, in fact, shed light on a possible motive for Pivar's suit against the academy. For, although the institution is improving—curator Bruce Ferguson's recent appointment as its president is seen as a positive sign—criticisms linger that the school, which offers the only M.F.A. in figure and anatomical drawing in the country, has fallen from the standard that Pivar and his fellow founders once set for it. "I found the expertise of the school's teachers lacking," says a recent graduate. Remarks New

York painter Jacob Gollins, a student in the late 1980s who taught there from 1989 to 1992, "The academy was created in an effort to counter modernist sensibilities with a 19th-century-like attention to cast drawings and anatomical volumes. But the current administration is bringing the academy into the main stream of the art world. Eileen and Russell don't have the sense of mission to restore traditional academic values that Stuart brought to the school," he says.

Guggenheim disputes accusations that the administration is diluting the academy's purpose. "We've broadened our curriculum, but we're still about mastering the basic skills of anatomical and figurative drawing," she contends. For his part, Wilkinson argues, "Stuart wanted the academy to be a tech school for figurative drawing. But today's students want more-art history and the social context of art and ways to use their skills after graduation. In no sense have we done anything wrong. We're just hard pressed people trying to get a job done." *Steven Vincent*