

JANUARY 23, 2015, 8:40 PM

Behind-scenes struggle plays out over Vivian Maier's acclaimed photos



Chicago printers Ron Gordon and Sandra Steinbrecher discuss the work of the late Vivian Maier, whose acclaimed street photography they helped develop and touch up. The two lament the court struggle over Maier's images. "Everybody loses," Gordon said. (Stacey Wescott, Chicago Tribune)

By **Jason Meisner**
Chicago Tribune

Nearly six years after amateur street photographer Vivian Maier died virtually penniless in Chicago, a largely behind-the-scenes struggle over the legal rights to her acclaimed work is playing out in her adopted hometown with huge repercussions for collectors and fans alike.

With potentially millions of dollars at stake, attorneys hired by Cook County — which under state law has taken charge of the reclusive nanny's estate — have been pursuing Maier's assets even as the murky picture of her living heirs continues to develop.

Collectors who own the negatives are up in arms that they would be cut out after years of painstaking work developing and promoting Maier's art. They maintain they have tried to follow all copyright procedures, even tracking down a first cousin of Maier's in France and reaching a signed agreement with him.

The controversy comes during what should be exciting times for fans of Maier's work. "Finding Vivian Maier," a documentary about the discovery of her work, has been nominated for an Academy Award, exposing her talent to a whole new audience.

Meanwhile, the county's negotiations with the principal owner of Maier's negatives have been complicated. Under one proposal, the county offered to set up a foundation for Maier's work that would give it control of the tens of thousands of negatives and prints purchased at auction shortly before her death. Other ideas include letting the sale of her works continue but putting the lion's share of any profits back into the estate.

Last month, the ongoing litigation in Cook County Probate Court prompted Rogers Park artist Jeffrey Goldstein to abruptly sell his 17,500 black-and-white Maier negatives to a gallery owner in Canada.

The decision was a painful one for Goldstein, but he felt that moving the collection out of the country was the best way to ensure that it wouldn't be "broken up" by what he sees as a clumsy bureaucracy in way over its head.

"I'm not going to partner up with Cook County. I'd cut my wrists first," Goldstein said in an interview at his walk-up studio on North Claremont Avenue, where dozens of Maier prints that had hung in galleries are now wrapped in plastic. "They have no idea what they are doing, nor do they care really."

John Maloof, a former Chicago real estate agent who owns more than 90 percent of Maier's negatives, has put all future plans to print or market the images on hold. He's hopeful his attorneys can negotiate a fair settlement with the county, but so far the proposals have all been "overreaching," he said.

"I don't feel like I should be punished for doing everything I did to find an heir, to reach an agreement with him and promote Vivian's work," Maloof told the Tribune.

David Epstein, who was appointed as the public administrator by then-Gov. Pat Quinn last March, was unavailable for comment. Colleen Chinlund, one of the attorneys working on Epstein's behalf, confirmed Thursday that the county was "in negotiations

right now" with various parties on Maier's estate but said she could not provide details on the discussions.

Intimate work

For much of her life, Maier lived and worked as a nanny in Chicago's well-to-do northern suburbs, snapping thousands of photographs of street life in Chicago while taking the children in her care on shopping trips and other expeditions.

She left no will when she died in 2009 at 83, and her intimate work remained a secret until Maloof and others inspected the negatives and undeveloped rolls of film they had bought at an auction of old storage locker items shortly before her death. In the five years since then, her photographic collection has been hailed by art historians as among the most significant of the 20th century, sparking wide interest in her work.

An exhibition of Maier's photographs has become the longest-running show ever at the Chicago History Museum. Galleries and museums from Moscow to Amsterdam have been showing her visceral and distinctly Chicago-flavored photos to huge crowds.

But even amid the successes, debate rages in many art circles. Many see Maloof and Goldstein as profiteers who have circumvented well-established copyright law and manipulated Maier's story for their own gain. In a recent review on slate.com, film critic Dana Stevens panned "Finding Vivian Maier" as one of the worst documentaries she'd seen in the last year, saying Maloof comes across in the film as "a self-aggrandizing, privacy-invading twerp."

The legal proceedings were put in motion last summer by David Deal, a Virginia copyright attorney and former professional photographer who says his fascination with Maier's work sparked concerns that Maloof, Goldstein and others selling her images were violating federal copyright law.

Deal had read Maloof's story of how he had hired genealogists to trace Maier's roots and found a first cousin once removed, Sylvain Jaussaud, who knew Maier well and is featured in Maloof's documentary. Confident he'd found her closest living heir, Maloof reached an agreement with Jaussaud that purportedly gave him the rights to market Maier's work.

But Maloof never filed in Cook County court for the cousin to be recognized as an heir. He also never sought to settle Maier's estate, leaving the issue of copyright legally up in the air.

Tangled family history

Deal, meanwhile, took it upon himself to track down another man in southeast France who is also believed to be Maier's first cousin once removed. He then filed a petition in Cook County last June on behalf of the man, Francis Baille, asking the court to name Baille as an heir to the estate. Weeks later, the public administrator's office took over, putting the question of heirship back at square one.

The conflicting claims are difficult to sort out in part because of Maier's tangled family history and its roots in both France as well as pre-World War I Austria-Hungary. In his research, Maloof uncovered records that Maier had a younger brother, Charles, but the paper trail on him ends when the family was living in New York nearly six decades ago.

While Maloof and Deal have said they believe Charles is no longer living, there is no proof of a death that would easily close the matter for the court. Also unknown is whether Charles had any children. If he did, Maier's niece or nephew would be the closest heir to the estate, nullifying any claims of Jaussaud and Baille.

Goldstein said his lawyers have told him that Cook County must now wait several years to see whether Charles or anyone else comes forward. He's been warned that county attorneys are not happy with the recent sale of his negatives, saying he's "expecting to be served with a subpoena any day." No matter what happens, he said, the unusual nature of the case promises to keep it tied up in courts for years.

"It's become a typical lawyers' game of time and money," said Goldstein, who plans to return to his roots as a cabinetmaker and woodworker. "And meanwhile, the citizens of Chicago are going to miss out on this cultural icon. It's a shame."

In an interview this week, Deal said he had "not one second of regret" in pursuing the probate case, saying it was the only way to ensure that Maier's work ends up in the right hands.

"Yeah, it's kind of a bummer if this takes a couple years to resolve," Deal said. "It's difficult and it's frustrating and painful and it might not seem fair in the broadest sense to people (like Maloof or Goldstein) ... but we still have to respect the law."

Endless debates

For Stephen Bulger, the opportunity to buy a big chunk of Maier's work was a dream come true. A longtime player in the thriving Toronto art scene, Bulger had already featured Goldstein's collection of Maier prints in two shows at his namesake gallery, both of which were wildly popular, he said.

"We've never had so many people come for an exhibition," Bulger said in a telephone interview. "Many of them were people who don't normally go to art galleries."

Bulger said he first heard of Maier from articles about the work Maloof was doing. Like many photography experts, Bulger was taken by Maier's keen eye and framing, the unique way her portraits found beauty in seemingly mundane moments.

"She had a very curious eye and was clearly empathetic to the people she's photographing," Bulger said. "It's in-your-face street photography but without a sarcastic edge."

One of the greatest ironies of Maier's posthumous fame is that while she was alive she showed her work to almost no one — even herself. It wasn't until the contents of her storage locker — including more than 150,000 negatives as well as prints, home movies, letters and newspaper clippings — were auctioned off that people like Maloof started looking at the photos and recognizing the quality of her work.

That aspect of her story has led to endless debates on whether Maier would have even wanted any of the attention she's now receiving. What gives anyone the right to decide how she would have wanted her photographs presented?

Bulger said the way Maier's story has unfolded is the opposite of what typically happens in the photography world. Instead of a new artist being introduced to the public via a curator who has canonized the work and can explain its importance, Maier's story quickly took on a life of its own after Maloof first began posting her photos on the Internet in 2009.

Given their emotional connection to the narrative of her life, many of Maier's fans "take her under their protective wing" and are suspicious that Maloof and Goldstein are not "doing her work justice," Bulger said.

Stored in a warehouse

When the wrangling over Maier's estate first began last summer, Bulger was one of many gallery owners who received letters from Cook County alleging possible copyright infringement and ordering him to preserve any records. Since then, he said, he has not heard from any attorneys associated with the case. But because of potential liabilities, Bulger knows for the time being he can't do anything with the negatives he's purchased.

For now, the negatives are being stored in a warehouse in Toronto, wrapped in protective sleeves, bundled in watertight plastic cases and locked in a fire-retardant safe, Bulger said. He's prepared to wait out whatever happens in Chicago, though he doesn't quite understand it.

"I think what confuses me the most is that in the big picture, estates are there to promote and foster the assets," he said. "But now Cook County has put a chill on the whole thing, which seems to run counter to what's supposed to happen."

Back in his Rogers Park studio, Goldstein is clearly still upset by the turn of events. He said no one seems to understand the labor of love that developing Maier's work had become for him and his small group of collaborators, including coordinator Anne Zakaras and well-known Chicago silver gelatin printers Ron Gordon and Sandra Steinbrecher.

Also lost in the debate, he said, was that after factoring in costs for gallery space, printing, travel expenses, attorney fees, accountants, and packing and shipping, he'd hardly become a rich man in the process.

Gordon said he came out of retirement to help Goldstein with the project. He and Steinbrecher have painstakingly printed hundreds of Maier's images in a Pilsen neighborhood darkroom, and Steinbrecher retouched each photo by hand — an endangered process in the digital age. Sitting in Goldstein's studio on Thursday, both Gordon and Steinbrecher said they felt a tremendous sadness to have it all end this way.

"Everybody loses," Gordon said. "Vivian loses, too. She goes back in the box."

jmeisner@tribune.com