

Special Chemistry

Simulation of the Role of Lawyers in Mediation

Problem-Solving Advocacy and Primarily Joint Sessions Video ¹

THE FINAL OUTCOME OF THIS CASE

"After this first mediation session, both parties assembled a negotiation team that evolved over time into a joint venture team. The final outcome was a multifaceted, mutual gain deal, consisting of the following key features:

- Mico and Gigem initiated a profitable joint car coating project, using EN-PARTICLES for GIGEM's car client.
- They also entered into a cross-licensing agreement and shared their cross-licenses with a new a joint venture. The joint venture combined the two technologies into a new one, that offers a breakthrough for cosmetic products.
- -Mico took over distribution in North America.
- And Gigem took over Europe.
- Any profits are to be split 60% for Gigem and 40% for Mico.
- The fast and cheap 7 step EN-PARTICLE production process was used to lower Gigem's production costs by 20%.
- Over time the profits of this deal are expected to far exceed the \$9 million judgment for Gigem. And Mico gained resources to focus on new products that are expected to yield a favorable return on its investment.
- The Canadian court judgment was entered as satisfied.

Over time the profits of this total deal far exceeded CA \$9 million for Gigem and Mico had the resources to focus on expansion and develop new products, yielding a great return on investment for Mico's shareholders and CEO.

Both companies won ...

This script and accompanying materials like an educational video and the role play instructions can be downloaded from: www.ACBfoundation.nl

¹ Script based on a role play written by Manon Schonewille (©2009-2010, all rights reserved) (Result ACB, Toolkit Company & Utrecht University), that served as a mediation problem in the 5th ICC International Commercial Mediation Competition. A caucus-style mediation script based on that case was written by Giuseppe de Palo (JAMS International), as part of the EU sponsored project "Lawyers in ADR". The script for this video production was written by Hal Abramson (Touro Law School), Jeremy Lack (Altenburger) and Manon Schonewille. ©2009-2010, all rights reserved.