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## 1.3: SIMULATION: "THE SENATE TABLE"

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**Instructions:** You will be assigned the role of either Morgan, Alex or Arbitrator/Mediator. Meeting in groups of three, you will **ARBITRATE** the case. (Remember, in an arbitration each party presents his/her best arguments in order to persuade the arbitrator of the rightness of his/her position. The arbitrator may ask questions but does not encourage settlement discussions.) **Do not announce your decision to the parties.**

The Arbitrator then moves to another group where s/he **MEDIATES** the case. (Remember, in a mediation the neutral's role is to facilitate discussion between the parties to help them reach a resolution which is mutually acceptable.)

### **The Facts:**

Morgan and Alex have been life-long friends. They have also practiced law together for 20 years. Due to some serious management differences, they have decided that it is time to end their legal partnership. They have negotiated a division of everything—except for the Senate table. Morgan and Alex had no trouble dividing their clients, the library, the word processing equipment, their excellent staff. But neither will budge on the Senate Table.

The Senate table is an antique table which had been in one of the State Senate's hearing rooms in the 1890s. When Morgan and Alex began practicing together, Morgan's spouse, who haunts antique stores, estate sales and auctions, had looked for months for the perfect table for the lawyers' main conference room. S/he had made other "good finds" of desks, chairs and lamps in his/her searches—which Morgan and Alex have had no trouble dividing—but it had taken him/her endless hours of searching to locate **THE** perfect table for Morgan's and Alex's office.

The table had not been gobbled up by other antique buyers because it had been painted over with several coats of horrendously ugly gunk, and it had gashes and bruises and one side was lower than the other. But Morgan's spouse recognized it as royalty disguised. When Morgan and Alex saw the table, they knew at once that Morgan's spouse had done well. An avocational woodworker, Alex lovingly removed the decades-old paint, healed the table's bruises, balanced the surface by adding a strip to one leg, refinished the table and restored it to its antique beauty.

Both Morgan and Alex have proudly used and cared for the table for most of the past 20 years. Their clients, other lawyers and visitors to their office have always commented on the rarity and beauty of the table. Morgan, his/her spouse and Alex believe the table is priceless. As a result, neither Morgan nor Alex is willing to part with the table, and neither will sell it to the other regardless of the extravagance of the other's bid.

Adapted from *The Senator's Desk* by Gary A. Weissman

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