

**2015 American Bar Association Section of Dispute Resolution
Representation in Mediation Competition**

Regional Competition

Round 2

A Picture is Worth a Thousand Words

General Information

Chris Clinton is a celebrated philanthropist who formerly served as CEO of Nexxon, a Fortune 500 Utility Company. Over the last 15 years, Chris has proved to be one of the nation's strongest supporters of the arts, especially in his/her hometown of Old York. S/he has sponsored outreach programs for under-funded Old York school districts, spurred charity drives benefiting the city's museums, and bankrolled countless scholarships for Old York students to attend various arts colleges and institutes.

Two years ago, Chris gave a significant portion of his/her personal renaissance painting collection to the Old York Art Museum. This gift consisted of dozens of paintings that Chris had collected from art auctions and dealers throughout Chris' lifetime. Prior to the donation, Chris briefly spoke with Tony Bush, the director of the Old York Art Museum, about the terms of the gift. Due to the excitement surrounding the large donation, neither party elaborated much about specific conditions of the gift. Neither Chris nor Tony wrote down any details other than a tax credit write-off receipt for the estimated value of the paintings donated (the estimated value was \$2,000,000.) At the gift banquet thrown in honor of this magnanimous gesture, Chris shared that the goal for the gift was "to give back to the community that has given so much to so many." Shortly after Chris's donation, art critics turned their focus to French painters and especially lauded Jean Jaquot's works. "Ducks in Pond," an especially valuable renaissance work by Jaquot valued at the time at \$400,000, was included in Chris's donation to the Old York Art Museum. Because French paintings were now in vogue, many of Jaquot's paintings, including "Ducks in Pond," have significantly appreciated in value. About eight months ago, Chris called Tony Bush at the Old York Art Museum and asked that the museum return "Ducks in Pond" because of its "sentimental value." On the phone, Chris said that "I have done a lot for this city and for this museum and I am asking for a favor." Tony had already agreed to six month loan of "Ducks in Pond" to a traveling exhibition starting in January of next year and knows that if the painting is returned, the museum will suffer a large drop in membership and daily visitors. Tony told Chris that returning the painting would likely put a financial strain on the museum and that s/he was sorry, but because of a prior commitment, the museum cannot return the painting, despite its sentimental value.

Chris shortly thereafter, in writing, threatened to bring suit if the museum failed to return the painting and has even demanded the return of all his other donated paintings if “Ducks in Pond” was not returned. The Board of Directors of the museum has suggested that Chris and museum leadership should try to work out this difference in mediation to avoid bad publicity and quickly resolve the matter. Chris agreed and thinks mediation is the best way to resolve this disagreement privately, and without letting emotions rule.

Tony has been given full authority to negotiate on behalf of the museum.