

Fishbowl Demo – Conciliation Role Play (Business Divorce Case)

General Information

Elise and Josh formed a dental practice 7 years ago in Newton after graduating from the same dental school. Although the practice was a success, tensions eventually developed between the two partners as to how to operate the business. A year ago, they dissolved their partnership, and Josh purchased the business. Josh is now running the practice himself in Newton and Elise has joined an established dentistry practice in Boston.

An outstanding issue has arisen between Elise and Josh regarding the distribution of profits from an educational brochure that they developed for their dental school. This item was not addressed in the partnership dissolution. The partners had donated the rights to the brochure to the school, but since then, the school has sold the brochure to a non-profit group and has passed along a share of the proceeds to Elise and Josh (\$15,000.) Josh received the check and did not give any of these funds to Elise. The partnership agreement provides that all assets of the partnership be divided 50/50 between the partners, with the exception of personal work-product from books, articles and other publications. The dissolution agreement provides that as of this dissolution date, Josh is entitled to all profits from the business.

Elise has sued Josh in District Court claiming rights to the full \$15,000. Elise is being represented by her sister-in-law who is a lawyer. Josh is pro se. The matter has been assigned by the court for conciliation through the local county bar association.