



**ALTERNATIVE DISPUTE RESOLUTION AND FAST-TRACKING OF DISPUTES
SETTLEMENT IN NIGERIA: THE LAGOS SETTLEMENT WEEK IN FOCUS**

Felix Chukwuemeka Amadi*

ABSTRACT

The concern over delay in the conclusion of cases in Nigeria is real. Delay in the dispensation of justice particularly by our courts is a menace and horrendous. The case of *Emejuru vs. Abraham & Nigerian LNG Ltd. (2018) LPELR 4633Q (SC)*, (among others), in which it took 26 years for the case to move from the High Court of Rivers State to the Supreme Court of Nigeria and re-trial was ordered, is painful, sad and nightmarish. Commerce, relationships, and faith in the judicial system are adversely affected by delay in dispute resolution. It has become imperative that conscious and committed efforts at fast-tracking dispute resolution is not negotiable. Achieving faster dispensation of justice has become an ology and as well evoking practical measures. This paper therefore examined the role of alternative dispute resolution and the various practical measures such as Frontloading, Case Management Protocols now in use by our courts in aid of fast-tracking of dispute settlement. Specifically, the paper examined the effectiveness of the Lagos Settlement Week. The primary objective is to explore the achievement of the Lagos Settlement Week in the goal of fast-tracking of dispute resolution. The doctrinal research method was adopted as both the primary and secondary sources of law were relied upon. The paper found that there is a commendable resort to alternative dispute resolution mechanism processes by the courts with notable improvement. In particular, the Lagos Settlement Week is a commendable process. The paper recommended a replication of the settlement week strategy in other states of the federation and a well-equipped settlement week complex should be built. Furthermore, cooperation and collaboration of stakeholders in the justice sector including the Nigerian Bar Association via its section on Legal Practice should be encouraged.

Keywords: Alternative Dispute Resolution, Dispute Settlement, Fast-tracking

INTRODUCTION

The quest to address the concern of delay, congestion and rigidity in our courts has engendered fast-track agenda nationwide. Individuals, public servants cooperate entities and the government are not resting on their oasis. The court itself via rules of court and other legislation are involved in the effort of promoting the fast-tracking of dispute settlement. The clarion call for the quick dispensation of justice is increasing. Alternative Dispute Resolution has become the major point of reference in promoting

quick resolution of disputes. According to Babalola¹ affirming the universal acceptability of arbitration (as aspect of Alternative Dispute Resolution) and its utilitarian value in dispute resolution stated:

Arbitration is recognized all over the world as a speedy, friendly, cheap and surest way of settling disputes. Our law also encourages it as a means of settling disputes.

If Nigeria is to do well and progress on the path of development, the process of arbitration must be accorded its proper place in our judicial system. No serious investor wants to be bogged down in long and tortuous litigation in courts, especially in commercial matters having time sensitivity. Such a development is simply not good for business and, since disputes must inevitably arise in today's complex world of business, no government interested in attracting investors to its country can afford to ignore the need to put in place an efficient process for parties to commercial and other transactions to resolve their disputes.

Earlier, Obasanjo², former President of the Federal Republic of Nigeria had decried low investment in the country. He blamed it on long adjournments and delays in our court system and stated that investors insist on being allowed to use foreign courts before investing in Nigeria because of the menace of delay in justice delivery. Similarly, in the case of *Emejuru v. Abraham & Nigerian LNG Ltd.*³, the issue before the Supreme Court was whether the High Court of Rivers State or the Federal High Court had the jurisdiction to determine the case. Sequel to the preliminary objection on the jurisdiction of the trial High Court of Rivers State, an appeal went up to the Supreme Court. The lifespan of this case from the High Court of Rivers State through the Court of Appeal to the Supreme Court was 26 years.

Another case that suffered delay for a period of 23 years, from the High Court to the Supreme Court and trial *de novo* was ordered by the Supreme Court is *Ariori v. Muraimo Elemo*⁴. The justification for fast-tracking of cases cannot be overemphasised just as the cases of adverse instances of undue delays in handling or concluding cases are limitless.⁵ The imperativeness of fast-track in the dispensation of justice and resolution of disputes has received enormous recognition. As far back as 2004, Lagos State by its High Court of Lagos State (Civil Procedure Rules)⁶ provided for a just, efficient and speedy dispensation of justice. In the same vein, Cross River State also has a similar provision commanding the applicability of the rules to cases to ensure a just, efficient and speedy dispensation of justice.⁷

One of the most practical ways that Lagos initiated and promoted fast-track of cases in the spirit of just, efficient and speedy dispensation of justice is innovation of the Lagos Settlement Week. The Lagos Settlement Week (LSW) is the first of its kind in the judicial history of Nigeria. The Lagos Settlement

* **Dr. Felix C. Amadi**, LLB, LLM, BL, PhD (Nigeria), Lecturer, Faculty of Law, Rivers State University, Port Harcourt, Nigeria; Solicitor and Advocate of the Supreme Court of Nigeria. E-mail: fca_legalchambers@yahoo.com

¹ A. A. Babalola The Nation Newspaper, Monday 18 November 2013, P.6.

² Daily Trust, Wednesday April 6, 2005, P.5

³ (2018) LPELR 4633Q (SC)

⁴ (1983)1 SCNLRI

⁵ See the cases of *Igbinokpogie v. Opedegbe* (2001)18 NWLR (Pt. 745) 412 which lasted for 23 years; *African Continental Bank Ltd. & Ors v. BB Apugo* (2001) 5 NWLR 45 which lasted 18 years and *Adeleke v. Iyanda* (2001) 13 NWLR (Pt. 729) 1 which lasted for 19 years.

⁶ Order 1 Rule 3

⁷ Order 1 Rule 3. Note that similar provisions are found in the High Court (Civil Procedure) Rules of most states of the Federation. For Instance, the Rivers State High (Civil Procedure) 2010, Order 1 Rule 3 has a provision.

Week is ‘a week’ set aside by the Chief Judge of Lagos State in the year when disputants have an opportunity to have their cases mediated at no cost to the parties. The Lagos Settlement Week (LSW) was first organized in 2009. The programme won the coveted Centre for Effective Dispute Resolution (CEDR) United Kingdom Awards 2010 for its ability to generate awareness of ADR in Lagos State. In 2011, Corporations and Law firms were approached to refer cases to the LSW and approximately 150 cases were received from corporations in the banking, maritime, telecommunications, and insurance industries as well as government parastatal.

ALTERNATIVE DISPUTE RESOLUTION MECHANISM

Alternative Dispute Resolution (ADR) is one of the preferred ways of promoting the fast-track of dispute resolution worldwide. According to the World Jurist Association on the Law of the World, the Association recognized the importance of International Arbitration and other forms of Alternative Dispute Resolution mechanisms and declared thus:

WHEREAS, trust and harmony are essential to secure peace among the peoples of the world;

WHEREAS, fair and efficient methods of dispute resolution constitute appropriate means of securing harmony;

NOW THEREFORE the World Jurist Association at its Twenty-Fourth Biennial Congress on the Law of the World CALLS upon all concerned parties to promote the use of international ADR as a way to achieve both harmony and peace among the people of all nations.⁸

The use of the words ‘fair’ and ‘efficient’ show that speedy dispensation of justice is advocated. It is a truism that justice delayed is justice denied. Consequently, implicit in a fair and efficient resolution of dispute is quick dispensation of justice. By virtue of the High Court of the Federal Capital Territory, Abuja, (Civil Procedure)⁹ judges are enjoined to encourage alternative dispute resolution. It provides:

1. It shall be the duty of a court or a judge to encourage settlement of matters either by: a) Arbitration b) Conciliation c) Mediation d) Or any other method of dispute resolution.

2. (1) Where parties consent to settlement of disputes, the court or judge shall by an enrolment order as in Form 15, refer the case to the AMDC for resolution within 21 days except otherwise ordered by the court. (2) Where a court makes a referral, the court or judge shall by an enrolment order as in Form 15 refer the case to the AMDC for resolution within 14 days except otherwise ordered by the court. (3) Where a party refuses to submit to ADR and loses the case in court, he shall pay a penalty as may be determined by the court.

3. (1) Where a case is deemed suitable for ADR under Order 2 Rule 7 or has by directives been referred to ADR under Rule (2)(2) above, the judge may consider and give appropriate directives to parties on the filing of statement of case and other necessary issues. (a) The claimant shall file his

⁸ The World Jurist Association Twenty-Fourth Biennial Congress on Law of the World held on 24-28, 2011.

⁹ 2018, Order 19 Rules 1, 2 and 3(1) (a) & (b)

statement of case within fourteen (14) days of the Order of the judge. (b) The Defendant shall file his response within fourteen (14) days of service of the claimant's statement of claim.

The imperativeness of the duty of judges to encourage alternative dispute resolution is not to be taken lightly. The word used is 'shall' which is a mandatory and not a discretionary provision. The Courts have shown keen interest in keeping to this duty. In the case of *Jabita v. Onikoyi*¹⁰ the court despite striking out the main case and counter claim before it directed the parties to utilize alternative dispute resolution in the resolution of their matter rather than litigation. The court in a very graphic manner emphasized the need for the direction given i.e. resort to alternative dispute resolution, in the following words:

Once a dispute is aired in any High Court...as here, it loses its "innocency" and acquires a potential 'baggage of judicial commentaries, main suit and counter claim and to facilitate alternative dispute resolution either at the Lagos Multi-door ADR Center or any other respected forum such as the Lagos Island Local Government Chieftaincy Committee or better still in-house amicable resolution...I direct...accordingly¹¹.

SOME FAST-TRACK MEASURES AND POLICIES

The constitution of the Federal Republic of Nigeria 1999, as amended, empowers heads of superior Courts of Record to make rules and directions for the efficient administration of justice by S. 274. Similarly, state laws also empower the Chief Judge of a state to issue directions on the administration of justice¹². As a fall-out of the discharge of the Chief Judges' duty, various Rules of court have been made concerning the administration of justice in various states. Similar provisions exist in Order 3 Rule 2 of the Rivers State High Court (Civil Procedure) Rules, 2010 whereas any matter filed in contravention of Order 7 Rule 2 of the Cross Rivers State Rules of Court shall be incompetent and liable to be struck out. Similar provisions of Order 3 Rule 2(2) of Rivers State Rules of Court provides that such court processes shall not be accepted for filing. The consequence of these provisions is that parties must frontload all their court processes and not file piece-meal.

(a) Effect of frontloading

The utility of frontloading is that it removes surprise and makes for completeness of the case presented by a party. This is a requirement by various States High Court (Civil Procedure) Rules that all suits instituted (Originating Processes including Statements of Claim) must be accompanied by witness statements on oath, a list of documents to be relied upon by the parties to substantiate their claims or defences, list of witnesses and the statements on oath of witnesses.

(b) Pre-trial Conference

Another protocol is the requirement by the rules that parties fill and complete the pre-trial conference forms. By this procedure, the parties are asked to answer many questions, regarding the number of witnesses to be called, the necessity for calling experts, the use of interpreter, the administration of interrogatories, the issues for determination, admission of any part of the claim etc in yet another protocol is the pre-trial conference itself. The court after receiving the pleadings of the parties with their accompanying documents sought to be relied upon to substantiate their claims and defence and completion of pre-trial forms (17 & 18) respectively together with other appurtenant processes usually fixes a date for holding a pre-trial conference,

¹⁰ 2004 All F.W.L.R 1625

¹¹ Ibid Pp. 1653 - 1654

¹² See S. 89(1) High Court of Lagos State. Cap. H5, laws of Lagos State, 2015.

wherein the Order of trial or procedure of trial, issues for determination, date for trial and time allowed for cross-examination are clearly determined *inter alia*: “It is noteworthy that during the pre-trial conference stage, the Lagos State rule also empowers the court upon proper evaluation of the claims and counterclaim of the parties to enter judgment in favour of a claimant especially if there is an admission of the plaintiff’s claim from the nature of the processes before the court without proceeding to full trial.” Again, it is during the pre-trial conference hearing that matters are sent to the multi door court for ADR.

(c) **Multi-door approach of ADR**

On the essence of the multi-door approach of ADR, Sander stated thus: “In my view the basic thrust behind the multi-door approach is to provide more effective and responsive solutions to disputes, not, as is sometimes claimed, to relieve court dockets or to save time and money. The latter consequences may often come about, but they should not be the *raison d’etre*. This point is particularly important for disputes involving ongoing relationships since it is frequently so important in those situations to maintain good relationships between the parties.”¹³ The Lagos Multi Door Court was the arm of the judiciary vested with powers to appoint Mediators, arbitrators etc to conduct Alternative Dispute Resolution for consenting parties. It is also a fast track mechanism deployed by the Government of Lagos State to facilitate the speedy resolution of disputes in order to ensure amicable settlement between the parties thereby placing both in a win-win-situation.

PECULIARITIES OF LAGOS STATE VIS-À-VIS JUSTICE DELIVERY

Lagos State is regarded as Nigeria’s largest commercial nerve centre with a huge population that is arguably the largest in the country. This is arguable because official statistics continue to confer the title of the largest state in the country on Kano State based on the country’s 2006 census figures while the Lagos State Government, on the other hand, following its own census conducted the same year, considers the state the largest in the country in terms of human population.¹⁴ The state had a population exceeding 21 million residents as at 2014.¹⁵ According to a report, the population of Lagos is growing at the rate of 3.2% per annum, while its urbanisation growth rate is 16%.¹⁶ Furthermore, the report has it that in Metropolitan Lagos, there are about 20,000 people per square kilometre with an estimated 3,000 people from other states of Nigeria entering the state every day without leaving. The cosmopolitan nature of Lagos State, its commercial and industrial endowments and potentials, a huge urban and urbane population and the fact that it was once the seat of the Federal Capital make it an attraction for many Nigerians living in other states in the country and foreigners who intend to visit or do visit Nigeria for business, entertainment and other reasons.

This has created many advantages for the state as well as generated a lot of challenges. Part of the advantages is that Lagos continues to enjoy the migration of the best and brightest minds and very skilled people in Nigeria in all sectors. They come to the state with the hope to brighten their economic

¹³ F.E.A Sander, ‘Dispute Resolution within and without the courts – An Overview of the US Experience.’ In P.C Rao & W. Sheffield (eds.), *Alternative Dispute Resolution, What It Is and How It Works*, (New Delhi: University Law Publishing Co. Pvt. Ltd., 1997), p. 123

¹⁴ T. O. Kasumu, ‘Effectiveness of the Citizen’s Mediation Center in Landlord-Tenant Alternative Dispute Resolution in Lagos State’ (Unpublished Ph.D. Dissertation Covenant University 2017).

¹⁵ B Adelaja, ‘Lagos Unveils Plans to Register 21 million Residents’ (2014) *Vanguard Newspapers* <www.vanguardngr.com/2014/02/lagos-unveils-plans-register-21m-residents-ibirogba> accessed 18 December 2020; Lagos State Government Ministry of Justice [LGMJ]. (2014). *2013 – 2015 Medium-Term Sector Strategy* ((MTSS).

¹⁶ Economist Intelligence Unit ‘Meeting Housing Needs in Lagos’ (2012) EIU Policy Brief, Issue 1, December.

chances, career and professional prospects. Thus, there is a large pool of professionals, experts, artisans and small businesses in the state. Lagos State also has one of the largest human populations in the country, providing it with a large consumer market which also makes it the favourite of manufacturing concerns in the country whose products eventually find their way into its numerous markets. The economy of Lagos is also international in nature because the state is contiguous to some West African countries such as Benin Republic, Togo and Ghana. Through the state's border, West Africans such as Ghanaians, Beninese, Togolese and others flock to Nigeria weekly or daily for business. Some buy huge products made in Nigeria to be resold in their countries while others bring their wares to large Lagos markets for sale. As members of the Economic Community of West African States [ECOWAS], these foreign nationals find it easy to enter and exit Nigerian borders through Lagos. With high technology access, residents in the state also conduct their businesses with the outside world on a larger scale than residents in many other Nigerian states.

There are also challenges that the commercial nature of Lagos, the developed hospitality industry and infrastructural assets in the state have caused congestion in the state due to the large human population it harbours. There is also increasing demand for housing and other social amenities such as schools, good roads, water, electricity, security networks and many others in the state. The state government yearly, battles with the need to increase its internally generated revenues in order to meet the needs of the teeming population resident in the state. There is high rise of crime rate requiring the state government to restructure its security infrastructure and invest in both security software and hardware.

LAGOS SETTLEMENT WEEK

Lagos Settlement Week evolved as a result of the need to popularize, encourage and mainstream ADR as a part of the disputes resolution infrastructure in Lagos State. The Lagos settlement week [hereinafter called LSW] cannot be discussed without recourse to the umbrella body which administers the settlement week. The Lagos Multi-door Court House [hereinafter called LMDC] came into existence in 2002 but it was not until 2007 that it was adopted and established as an organ of the Lagos State Government by the Lagos Multi Door Courthouse (LMDC) Law which came into effect on the 18th of May 2007.

The LMDC is a court connected Alternative Dispute Resolution Centre with offices within the High Court of Lagos State and other suitable places. The objectives of the LMDC are inter alia to enhance access to justice by providing Alternative Dispute Resolution (ADR) mechanisms to supplement litigation in the resolution of disputes and to promote the growth and effective functioning of the justice system through ADR methods. The ADR mechanisms that are available via the multi-door court house include inter alia, Mediation, Arbitration, Conciliation, Negotiation, Facilitation, Mini-trial etc.

Mediation is a process of resolving disputes without resorting to formal proceedings such as court. It is voluntary and facilitated by an independent third party which role is to help the parties develop solutions in a confidential environment. Mediation is a party driven process in which parties decide on terms and settlement of their disputes. The major form of ADR implored during the Lagos Settlement Week is mediation. The Lagos Multi-door court house engages mediators who are seasoned, skilled and specialized in their area of practice to resolve disputes between parties. At the end of the mediation session, if parties are able to resolve their disputes, terms of settlement are drafted, signed by both parties and adopted as consent judgement in court.

There are also Hybrid mechanisms like MedArb, ConArb, ConMed e.t.c. These hybrid mechanisms are a fusion of the different mechanisms obtainable at the multi-door court house. The Lagos Settlement Week evolved as a result of a bid to popularize, encourage and mainstream Alternative Dispute Resolution (ADR) as part of the disputes resolution infrastructure in Lagos State. The Lagos Settlement

Week (LSW) is defined in section 31 of the LMDC Law of 2007 as “a week set aside by the Chief Judge of Lagos state High Court for specific courts to clear the backlog of cases through means, which include return to the Lagos Multi Door Court House for possible resolution through mediation, arbitration, neutrals evaluation or any other ADR procedure”. It is essential to point out that the settlement week is a joint initiative of the Lagos Multi-Door Courthouse, the Lagos State Judiciary, the Lagos State Government and the Nigerian Bar Association (N.B.A.).¹⁷

DISPUTES RESOLUTION MECHANISM DURING THE SETTLEMENT WEEK

Lagos settlement week is defined in section 31 of the Lagos Multi Door Court law 2007 as a week set aside by the chief judge of Lagos State for specific courts to clear their back log of cases through means, which include return to the Lagos multi-door court house for possible resolution through meditation, arbitration, neutral evaluation or any other ADR procedure.

Before the commencement of the Lagos settlement week, the Chief Judge of Lagos State writes a memorandum to the Chief Registrar on Lagos settlement week informing the registrar about the date of the Lagos settlement week and with a direction to issue circular notifying the court (the High Court and the Magistrate Court) about the settlement week and referral of cases to the Multi-door Court house for the settlement week. The Chief Registrar in turn issues a circular to all Judges of the High Court of Lagos and Ikeja Judicial Divisions, and all honourable Magistrates of Lagos, Ikeja and Yaba Magisterial District and the Lagos State Judiciary, in preparation for the Settlement Week.¹⁸

Lagos Settlement Week (LSW) involves a lot of background work which is done before the commencement of the settlement week and this usually begins with referral of cases with great potential for settlement. The court officers under the direction of the Judge/Magistrate must identify cases suitable for referral because there are some disputes which by their nature are aggravating and peculiar and may not readily lend themselves to settlement by Alternative Dispute Resolution. The cause or matter identified as suitable for referral must of course be an ongoing matter, one in which the originating processes have been served and in which the other side has appeared and submitted to jurisdiction - a stage before trial commences.

A question might verily come to mind and that is, whether a party can *suo motu* (of their volition) submit to the Lagos Settlement Week (LSW) without having their matter being referred in the first instance? The answer is YES. During Lagos Settlement Week (LSW) parties or their counsel whose matters were not referred can submit to mediation during the Lagos Settlement Week (LSW). The key thing in this scenario is that parties on either side must have agreed that their matter be submitted for mediation.

The second stage after referral of the background work done before the Lagos Settlement Week (LSW) involves the Registrars of the respective courts where the matters were referred from. The Registrars make copies of the relevant documents including pleadings in the courts' files and these are made available to the Case Managers. Duplicate files are created for each matter to enable the Case Managers to keep track of it. At this stage, Case Managers are to take an in-depth (screen) look into the matters referred to the LMDC for mediation during the Lagos Settlement Week (LSW).

¹⁷ R Egbe, 'Mediation Centre Resolves 20,000 Disputes in one Year' (2015) The Nation. <<http://thenationonline.net/mediation-centre-resolves-20000-disputes-in-one-year/>> accessed 13 November 2020.

¹⁸ A Fiadjoe, 'Alternative Dispute Resolution: A Developing World Perspective' (London:Routledge Cavendish Publishing 2004)

A Case Manager is a person with a highly developed oral and written communication style that enables the elicitation of information in a non-abrasive manner. A case manager helps identify appropriate doors for the resolution of disputes, discusses and advises the disputants on the available doors and is responsible for all the planning and facilitation towards ensuring that the disputants can access the recommended dispute resolution doors. When the case managers are done screening to determine the suitability of matters for Lagos Settlement Week (LSW), the matters are then classed into suitable and non-suitable groups for Lagos Settlement Week (LSW). Hence most of the cases that are treated during the settlement week are court-referred and walk-in matters. These are cases that have been attempted in the informal setting (A.D.R.) and failed, thus the real motive behind the LSW is to find a way of decongesting the high courts. In other words, the court wants to give a second try to those cases and also to uphold the High Court of Lagos (H.C.L.) State Rules which provides: Order 3 Rule 11: “For all originating processes filed in the Registry shall be screened to determine the suitability for Alternative dispute resolution (A.D.R.) mechanisms and may be referred to the Lagos Multi-Door Court House or any appropriate A.D.R. institution.” For the following reasons, H.C. L Rules, in collaboration with the LMDC, has demonstrated the viability of Alternative Dispute Resolution for Justice reform and continues to serve as a model for other states of the federation.

The outcome of the screening done by the case managers is then sent to the respective Judges/Magistrates (referral courts) identifying the matters suitable for LSW and those not suitable. The next step is that Hearing Notices are issued by Registrars of courts to parties in respect of those matters classed as suitable for the Lagos Settlement Week (LSW). The parties and counsel alike are to appear before the Judge/Magistrate who then must elicit cooperation of parties and counsel (Judge/Magistrate informs parties and their Counsels of the referral of their matters to the Lagos Multi Door Court House for LSW). Parties or Counsel therefore fill out a submission form and tick suitable dates in which they want their matters to be mediated on. Enrolment of order forms is filled and signed by the Judge/Magistrate which is the formal referral of the matter to the Lagos Multi Door Court House.

Experienced mediators are usually selected to mediate on matters during the Lagos Settlement Week (LSW). Even with their experience, the mediators selected are still made to go through training/workshop in preparation for the Lagos Settlement Week (LSW).

During the sessions, parties are given room to air or talk about the root cause of the matters which went on to court. Matters which cannot be settled during a particular session are adjourned for other sessions until an amicable settlement is arrived at. When a matter is settled, the Case Manager handling the particular case, files and draws up terms of settlement in accordance with the agreement reached by parties during the mediation session. The terms of settlement is then entered as consent judgment in court by the Judge/Magistrate from whose court the matter was referred from. It is important to note that ADR has come to stay therefore it is very key for counsel to embrace ADR wholeheartedly. ADR has not come to supplant or displace litigation; it has only come to make way for speedy and easy access to justice. Also worthy of note is the fact that Lagos Settlement Week (LSW) is absolutely free.

THE PURPOSE AND OBJECTIVES OF THE LAGOS SETTLEMENT WEEK

- a) To impact the justice system of Lagos State through a gradual/but definitive reduction of the case load of the courts while providing satisfying timely and cost effective justice to litigants.
- b) To encourage the use of non-adversarial dispute resolution mechanisms as far as possible, especially for commercial and general civil matters.
- c) To create wide spread awareness of the benefit and effectiveness of mediation as a dispute resolution method.

- d) To provide the platform to raise public awareness of ADR and showcase the services of the Lagos Multi door court house.
- e) One of the overriding objectives of the LMDC is to promote or undertake activities including but not limited to the settlement week which will further aid in decongesting the courts and in turn assist in achieving the purpose for which the LMDC was established.

Above purpose and objectives are also in substance found in some other jurisdictions. For instance, S. 1 of the Rivers State multi-door Court House Law¹⁹ provides:

- a) Enhance access to justice by providing alternative mechanisms to supplement litigation in the resolution of disputes.
- b) Minimize frustration and delays in the justice delivery system by providing a standard legal framework for fair and efficient settlement of disputes through ADR.
- c) Serve as the focal point for the promotion of ADR in Rivers State; and
- d) Promote the growth and effective functioning of the justice system through ADR methods.

In furtherance, Settlement Week was created to encourage the early settlement of cases pending in the Lagos High Court; and in so doing paves the way for cost-effective justice and speedier dispute resolutions for the disputants. Lagos Settlement Week LSW was conceived to achieve three (3) objectives namely:- (a) Decongest the court rooms and dockets; (b) Mainstream Alternative Dispute Resolution methods; (c) Facilitate cost effective and early resolution of cases. The body that coordinates the settlement week is the Lagos multi-door court house which came into existence in 2002 and in 2007, it was adopted and established as an organ of the Lagos State government by the Lagos Multi-door Court Law which came into effect on the 18th May, 2007.

Scope of matters than can be handled during the Lagos settlement week

Mediation can be utilised in resolving disputes ranging from; Tenancy matters, property disputes, debt recoveries, libel and slander, administration of an estate, employment and trade disputes; construction disputes; accident and tort; medical negligence, contracts enforcement, family disputes, succession disputes, small claims and banking and insurance-related disputes. The advantages of Lagos settlement week over court process include: (a) The Lagos Settlement Week saves time. Mediation is an ADR process with a time limit or frame unlike court process which can take years before judgement is entered; (b) It is user friendly, also:

- It reduces cost as matters are resolved at no cost on the parties during the Lagos Settlement week.
- It is flexible and party driven as it opens up communication between parties with the aim of resolving disputes between parties.
- It fosters relationship between parties as parties walk out of the mediation session, after resolving their disputes smiling at each other with a hand shake, which enhances continuation of business relationship and kills deadlock between parties in dispute.

Lawyer's and litigant's attitude towards the settlement week

Some Lawyers become worried and frightened when they receive calls from Case Managers from the Lagos Multi Door Court House, that their matters have been referred to the multi door court house for amicable resolution during the Lagos Settlement Week. What comes into their minds is that if parties settle their dispute during the Lagos settlement week they might not be paid for their legal services but

¹⁹ No. 11 2019

would rather frustrate the process instead of promoting and encouraging their clients to explore amicable settlement. This should rather not be a problem to lawyers but to discuss with their clients and still insist on their legal fees.

Some parties will not be willing and ready to explore settlement but will rather insist on litigation in court. Lawyers and litigants are also expected to keep their appointments in courts for their matters, attend their mediation sessions and also attend their matters in court. They also need to give report in court as their mediation sessions proceeds towards settlement.

CONCLUSION AND RECOMMENDATIONS

The approach to dispute resolution via Alternative dispute resolution is globally accepted by all. ADR as a multi-track dispute resolution mechanism has the proclivity to respond to a number of disputes from its kit-box. ADR has increasingly gained impetus by legislation and has reasonably continued to be supported by the courts. Several rules and policies of the court have been deplored in aid of fast-tracking dispute resolution. The Lagos settlement week focused on in this work is a special project of fast-track dispute resolution. A proper utilisation and improvement promises, with other mechanisms rekindle the confidence of businessmen and the society at large. Lawyers, litigants and the general public are advised to use this short route to justice delivery system.

Flowing from the above, the following recommendations are made:

- a) The Nigerian bar association should offer training to lawyers on mediation advocacy skills as continuing legal education to enable lawyers understand the mediation process and what lawyers are expected to do at the mediation session. On the other hand, stakeholders in the justice section should cooperate and collaborate with the Nigerian Bar Association via section in legal practice.
- b) There is need for the Government to build a Settlement House fully equipped with technologies and resources that will enhance faster and easier dispute resolutions.
- c) When parties referred to the Lagos Settlement Week fail to attend or frustrate the process, their matters are usually referred back to the court at no cost or penalty. It is recommended that the defaulter be made to pay cost or fine for frustrating or failing to attend the settlement week before his matter can proceed in court.