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## ROLE OF MULTIDOOR COURTHOUSES IN ALTERNATIVE DISPUTES RESOLUTION IN NIGERIA

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### ABSTRACT

*Contemporary drive is to ensure the adoption of alternative dispute resolution (ADR) as a means of settlement of disputes. The idea of the multi-door courthouse was proposed and recommended by Professor Sanders as a centre that is capable of offering different options for the settlement of disputes. This believe is what led to the development of multidoor courthouses in Nigeria with Lagos State leading the way. This work analysed the laws and practice of the Lagos State Multi-door Courthouse, Abuja Multi-door Courthouse and Akwa Ibom State Multi-door Courthouse. The work concluded that multi-door courthouses have encouraged resort to ADR in the settlement of most cases than it was before the introduction of multi-door courthouses in Nigeria. It recommends the establishment of multidoor courthouses in all States in Nigeria and the actual connection of ADR to all courts in Nigeria as was proposed by Professor Sanders..*

### 1. Introduction

The several options for alternative dispute settlement (ADR) are vital to ensure speedy access to justice as litigation is not only expensive but also time-consuming and therefore not suitable for the settlement of commercial and investment disputes. However, the major concern associated

with the ADR mechanisms are the problems of recognition and enforcement of the outcomes of such resolution such as settlement agreements and awards made through mediation, conciliation and arbitration as the case may be. The reason given for this is that the ADR institutions do not possess the power to enforce the settlement agreements and awards.<sup>1</sup> A way to address this problem includes the signing of the settlement agreement by both parties to the dispute settlement process in acceptance of the outcome of the settlement<sup>2</sup> or where the parties take back the settlement agreement to the court for adoption as their consent judgment.<sup>3</sup> The last option is more pertinent in cases where the referral to alternative dispute resolution was made by the court.<sup>4</sup> It was however observed that courts have a key role to play in ensuring seamless settlement of disputes through alternative disputes resolution. Thus, the various rules of courts<sup>5</sup> make provision for ADR even where litigation was sought after by the parties.

The recognition of the role of court in encouraging peaceful party-driven settlement necessitated the creation of multi-door courthouses as an extension of the traditional courts where administration of justice is undertaken.<sup>6</sup> Although there are different structures of the multi-door courthouse in Nigeria,<sup>7</sup> the common feature is that they offer several ADR mechanisms or doors for the resolution of various types of disputes. And that they have a mechanism to identify which option is suitable for the resolution of specific disputes.<sup>8</sup> Although the multi-door courthouses are widely embraced, it is yet get full recognition in all the States of the Nigerian Federation.

## 1.2 History of Multi-Door Court Houses in Nigeria

The history of the emergence of the practice of multi-door courthouses is linked to the efforts of Professor Frank Sander of the Harvard Law School at a National Conference on the “Causes of Dissatisfaction with the Administration of Justice”. The conference was organized in honour of the eminent American Jurist, Roscoe Pound by the American Bar Association, the Conference of Chief Justices, and the Judicial Conference of the United States of America.<sup>9</sup>

Prior to the above, in the year 1978, the United States Congress had approved the creation of the first sets of court-annexed arbitration programmes. The programmes merely

<sup>1</sup> F C Amadi and G GOtuturu, “Alternative Dispute Resolution Processes and the Structure of Multi-Door Courthouses in Nigeria” (2019) 8 (1) *British Journal of Advanced Academic Research* 21.

<sup>2</sup>*Ibid* 22.

<sup>3</sup> P O Idornigie, “Alternative Dispute Resolution Mechanism” in A F Afolayan and P C Okorie (eds.) *Modern Civil Procedure Law* (Dee-Sage Nigeria Ltd., Lagos 2007) 563-585 at 563.

<sup>4</sup> K Iseh, “Alternative Dispute Resolution: Revisiting the Approaches for Conflict Settlement in Nigeria” (2020) <https://ssrn.com/abstract=3544150>. (Retrieved on 3 January 2025).

<sup>5</sup> Order 25 Rule 3 (k) of the High Court of Ogun State (Civil Procedure) Rules, 2014; Order 25 Rule 2 of the High Court (Civil Procedure) Rules of Akwalbom State 2009; Order 18 Rule 1 of the Federal High Court (Civil Procedure) Rules 2019; Order 19 of the High Court of the Federal Capital Territory, Abuja (Civil Procedure) Rules 2018; Order 16 of the Court of Appeal Rules 2016.

<sup>6</sup> E Onyema, “The Multi-door Court House (MDC) Scheme in Nigeria: a case study of the Lagos MDC” (2013) 2 (7) *Apogee Journal of Business, Property and Constitutional Law* 96.

<sup>7</sup>Amadi and Otuturu (n.1) 24.

<sup>8</sup> K Aina, “The Multi-door Courthouse Concept: Taking Lawyers Out of the Court?” in E Azinge and C Ani, (eds.), *Principles of Negotiation and Mediation* (Nigerian Institute of Advanced Legal Studies, Abuja 2012) 263 – 264.

<sup>9</sup>*Ibid*.

required the parties to mandatorily participate in a non-binding court-annexed arbitration hearing as a prerequisite to obtaining a hearing. The programme was hugely supported by the US Attorney General, Griffin Bell, who believed that compulsory court-annexed arbitration programme would enhance and widen access to justice for the American people and also provide mechanisms that will permit the expeditious resolution of disputes at an affordable cost.<sup>10</sup>

The success of the above programme encouraged the US Congress to fund additional eight court-annexed arbitration programmes. The Civil Justice Reform Act of 1990 was enacted to, amongst other things, expand and enhance the use of ADR. The Act provided, *inter alia*, that each of the Federal District Court consider the possibility of annexing a court-connected ADR programmes. This directive was widely complied with by the Federal District Courts in the United States. In addition, as a response to expressed concerns about courts and court reforms, alternative dispute resolution and mediation in particular, were seen as a panacea to resolve court centered issues, particularly cost and delay.

Comments at the 1976 Conference in honour of Roscoe Pound suggested the design of a mechanism to transfer cases out of the court room to a separate institution. It was therefore recommended by Sanders that the courts should be restructured to provide multiple dispute resolution processes, commonly referred to as the multi-door courthouse. The exact proposition of Frank was for the establishment of a centre that will offer a plurality of options or doors for the settlement of disputes. According to Amadi and Otuturu, “Thus, the modern day court house should be a comprehensive dispute resolution centre which will not only provide litigation as a means of resolving disputes but also make other processes or doors available to disputants. The other processes should include negotiation, mediation, conciliation and arbitration.”<sup>11</sup>

The development of multi-door courthouse in the United Kingdom is linked to the Woolf Interim Report of 1995<sup>12</sup> which stated that courts had an important role to play in the provision of information about ADR and encourage of use of ADR in appropriate cases. The observations of the Interim Report were confirmed and strengthened in the Final Report of 1996 which stated that the court will encourage the use of ADR at case management conferences and pre-trial reviews, and will take into account whether the parties have unreasonably refused to try ADR or behaved unreasonably in the course of ADR.<sup>13</sup>

The policy of the UK Government on ADR in the 1990s and part of the 21<sup>st</sup> century lacked behind judicial enthusiasm and activism. However, in its 1998 white paper on Modernising Justice, the UK Government stated that it was considering the contributions that ADR could make to the civil justice system, including mediation, arbitration and ombudsman schemes.<sup>14</sup> The enactment of the Access to Justice Act of 1999 provided the opportunity for the UK Government to include the reforms on ADR by providing, *inter alia*, that a condition

<sup>10</sup> L Bernstein, “Understanding the Limits of Court-Connected ADR: a Critique of Federal Court-Annexed Arbitration Programs” (1993) 141 (6) *University of Pennsylvania Law Review* 2169.

<sup>11</sup>Amadi and Otuturu (n.1) 23.

<sup>12</sup> Lord Woolf, “Access to Justice – Report on the Civil Justice System Reform” (1995) 3 (2) *International Journal of Law and Information Technology* 144-155.

<sup>13</sup>AA S Zuckerman, “Lord Woolf’s Access to Justice: Plus ca Change...” (1996) 59 (6) *The Modern Law Review* 773-796.

<sup>14</sup>*Ibid.*

precedent to qualify for the legal aid scheme is for evidence that the party requiring same had attempted the use of any of the ADR options in his quest to settle his dispute.

In Nigeria, the first attempt to provide for a multi-door courthouse system began in Lagos in the year 2002.<sup>15</sup> It is even noted that Lagos is the first attempt for multi-door courthouse in the whole of African continent.<sup>16</sup> The Lagos multi-door courthouse was launched in June 2002 as a collaboration between a private NGO, Negotiation and Conflict Management Group, the United States Embassy, the Law Firm of Aina, Blankson & Co. and the Lagos State High Court of Justice.<sup>17</sup> The Lagos multi-door courthouse operated without an enabling law until the enactment of the Lagos State Multi-Door Courthouse Law in 2007.<sup>18</sup> After the establishment of the multi-door courthouse in Lagos State, Abuja followed suit with the establishment of the Abuja Multi-Door Courthouse.<sup>19</sup> Other states have also established their Multi-Door Courthouse, including Akwalbom State, Rivers State and Oyo State, etc.

The multi-door courthouse has facilitated the settlement of several cases, including those that had lingered in court for a long time.<sup>20</sup> The advantages recorded in some States with court – annexed ADR programme or multi-door courthouse have encouraged more States to establish same in their respective jurisdictions.

### 1.3 The Nature and Structure of the Multi-Door Courthouse

The idea of the multi-door courthouse as proposed and recommended by Professor Sander was a centre that offers different options for the settlement of disputes. A one-stop centre wherein litigation, arbitration, mediation, conciliation, etc. were available within a confined location. Disputes that come before the centre are first sent to an officer sometimes called the Dispute Resolution Officer (DRO) who will then evaluate the dispute settlement option suitable for the resolution of the particular dispute brought to the centre. The officer will accordingly forward same to the door that offers the needed option for the settlement of the dispute. Thus, Hon. Justice Peters notes that, the concept of the multi-door courthouse “mechanism is a proposal to offer a variety of dispute resolution services in one place with a single intake desk, which would screen clients. The idea is one, which seeks to radically change the traditional conception of the court as the only door to getting justice”.<sup>21</sup>

<sup>15</sup> J Nwazi, “Assessing the Efficiency of Alternative Dispute Resolution (ADR) in the Settlement of Environmental Disputes in the Niger Delta Region of Nigeria” (2017) 9 (3) *Journal of Law and Conflict Resolution* 31.

<sup>16</sup> K Aina, *The Multi-Door Court House Concept: a Silent Revolution in Legal Practice* (NBA, Jos 2005) 5; M A Umar, M MDeji and G U Kwagyang, “Re-Thinking Binding Mediation in Commercial Disputes in Nigeria” (2015) 6 (4) *South East Asia Journal of Contemporary Business, Economics and Law* 58.

<sup>17</sup> K Aina, “The Lagos Multi-Door Court House-One Year After” (2003) Being a Paper presented at the Workshop on ‘The Multi-Door Courthouse: the Procedure and Promise’ on September 2003 at the High Court Premises, Lagos, 2.

<sup>18</sup> Lagos Multi-door Courthouse Law, No. 21 Vol. 56, Laws of Lagos State 2007.

<sup>19</sup> Umar, Deji and Kwagyang (n. 16) 58.

<sup>20</sup> C Etuk, “Lagos Multi-Door Courthouse Settles 780 Cases in 10 Years” (2013) Premium Times Online, 20 September 2021); S Ogunyannwo, “The Role of the Multi-Door Courthouse in the Effective Administration of Justice in Nigeria” (2016) Being a Keynote Address at the 7<sup>th</sup> Workshop of the Ogun State Bar and Bench Forum on 30 June 2016.

<sup>21</sup> J D Peters, “Application of Alternative Dispute Resolution (ADR) and Restorative Justice (RJ) Systems in the High Courts and Other Courts of Coordinate Jurisdiction” (2016) A Paper presented at the Induction Course for

The reason for the introduction of the multi-door courthouse was to ease the pressure on court from congestion of cases and to speed up the process of administration of justice.<sup>22</sup> Writing on the need for juridical reforms and the need to incorporate ADR into the court system, Taiwo states thus,

Judicial reform is necessary to ensure as far as possible that disputes are resolved in a manner that is acceptable to the parties. There should be put in place, a justice system that is no longer so daunting, uncertain or expensive so that ordinary people would have real access to justice. A system that saves time and deals with cases expeditiously and fairly is, therefore, advocated. It is in this regard that the court-connected mediation and court-connected ADR recently brought in by reforms in the Rules of Court to afford the possibility of pre-trial settlement, among other things, are welcome.<sup>23</sup>

The connection of the ADR to the court system is due to the fact that people naturally run to court for the settlement of their disputes. And most of them may be unaware of the availability and advantages of resorting to ADR for their disputes settlement. According to Ajigboye,

In the last decade, efforts such as incorporating ADR mechanisms into the court's systems among others had gone into expanding the traditional litigation system with a views to ensuring that disputes are resolved in lesser time. This had led to the featuring of integrated ADR mechanism in the Rules of Court and even in certain instances, like the establishment of an ADR centre using the Multi-Door Courthouse system, so that litigants are provided the opportunity to resolve their disputes amicably without necessarily reverting to litigation even in the courts.<sup>24</sup>

The Chief Justice of Singapore is quoted as saying that the reasons why ADR should be made part of the administration of justice system of the court is as follows,

We introduced mediation primarily because of the understanding that adjudication is not always the most appropriate as disputes differ widely in nature. The court must be able to offer the most effective responsive and appropriate methods for resolving disputes. They must be able to offer alternatives to the traditional resolution path. With a variety of dispute resolution mechanisms available disputants can then match the forum to their particular dispute rather than being required

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Newly Appointed Judges and Kadis Organized by the National Judicial Institute from 23 May to 3 June 2016. [https://nji.gov.ng/images/workshop\\_papers/2016/induction\\_course/s12.pdf](https://nji.gov.ng/images/workshop_papers/2016/induction_course/s12.pdf). (Retrieved on 3 January 2025).

<sup>22</sup> E A Taiwo, *The Principle, Practice and Procedure of Civil Litigation in Nigeria* (Ababa Press Limited, Ibadan 2015) 28.

<sup>23</sup>*Ibid.*

<sup>24</sup>O Ajigboye, "The Concept of Multi-Door Courthouse (MDCH) in Nigeria: an Appraisal of the National Industrial Court Multi-Door Courthouse Model" (2016) 1 (2) *AyayiCrowther University Law Journal* 4.

to fit their dispute to the adversarial forum.<sup>25</sup>

The traditional court system offers to the litigant only one door for resulting disputes, namely litigation door which itself is punctuated with several problems and challenges of delay, congestion and expense. The multi-door court house concept materializes out of the realisation that litigation is not the best choice for resolving many disputes. Parties to dispute deserve a range of alternatives to choose from for the settlement of their disputes. Parties to dispute deserve to have access to assistance in screening their cases or evaluating their cases to determine which of the resolution processes is most appropriate for their dispute. This is where multi-door courthouse mechanisms offer advantage over the traditional court system. This ensures that under one roof, that is, the courthouse, different doors are available through which litigants and disputants may pass in a bid to speedily, efficiently and in a cost effective manner have the dispute resolved. The courthouse must be akin to multi-function service centre offered to the public. A fully functional ADR centre ought to be connected to the courthouse, so as to create the opportunity for disputes may be settled by means otherwise than by litigation.<sup>26</sup>

The above will portray the multi-door courthouse as an extension of the court and may be housed in the same premises as the court. This is the structure envisaged by Professor Sanders in 1976 when he birthed the idea of the multi-door courthouse. Thus Agigboye<sup>27</sup> observes that for a proper understanding and appreciation of the concept of a comprehensive justice centre' as propounded by Professor Frank Sanders is that ADR should have the same status as litigation in the legal system and the government should also view and take the need for establishing an institution for the resolution of disputes from a perspective that it is the State responsibility.

There is no united structure in the multi-door courthouse systems in Nigeria.<sup>28</sup> There are noticeable divergent structures of the multi-door courthouse as practiced by the different courts in Nigeria. The available structures include the public-private partnership initiative structure of the Lagos State Multi-door Courthouse, which is an independent corporate body established by law. The staff of the LMDC are not part of the Lagos State Judiciary nor Ministry of Justice. Another type of structure is a court-connect one which is fully part of the judiciary as practiced by the Abuja multi-door courthouse. The staff of the AMDC are all part of the judiciary. The same structure is seen in AkwaIbom State Multi-door Courthouse where all the staff are also part of the AkwaIbom State Judiciary; same is also applicable to the Rivers State multi-door courthouse system. The divergence in the structure and procedure are more conspicuous when the multi-door courthouses are discussed individually as done below.

#### **4.0 Lagos State Multi-Door Courthouse**

The Lagos State Multi-door Courthouse is the first experimentation of the multi-door courthouse system in Nigeria and Africa. It initially started out in the year 2002 as a public

<sup>25</sup> O A Ipaye, "Understanding and Application of Alternative Dispute Resolution (ADR) System in the Magistrate Courts" (2016) A Paper Presented at the Training Workshop for Newly Appointed Magistrates organized by the National Judicial Institute, Abuja FCT on July 2016.

<sup>26</sup>*Ibid.*

<sup>27</sup> O Ajigboye, "The Concept of Multi-Door Courthouse in Nigeria: Rethinking Frank Sander's Concept" (2013) 2 (1) *Akunba Law Journal* 332.

<sup>28</sup>Amadi and Otuturu (n. 1) 24.

private partnership arrangement without any legal backing. But in 2007, its existence was given a legislative backing by the enactment of the Lagos Multi-Door Courthouse Law, 2007.<sup>29</sup> Some States have also enacted laws for the operation of the multi-door courthouse.<sup>30</sup> However, others are merely given legal backing through the Rules of Court or Practice Directions.<sup>31</sup>

The Lagos State Multi-Door Courthouse Law encapsulated the ideals of the multi-door courthouse and provides a legal framework for its operation. The courthouse is mainly established to serve as the fulcrum to ensure effective utilization of alternative dispute resolution options in Lagos State and to ensure the growth and effective functioning of the system through alternative dispute resolution models. The objectives are as follows:

- i. To enhance access to justice by providing timely and cost effective alternative mechanisms to supplement litigation in the resolution of disputes;
- ii. To minimize citizen frustration and delay in justice delivery by providing a standard legal framework for the fair and efficient settlement of disputes through alternative dispute resolution;
- iii. To serve as a focal point for the promotion of ADR in Lagos State;
- iv. To promote the growth and effective functioning of the justice system through ADR methods;
- v. To encourage the concept of a “Managerial Judge” amongst judicial officers towards an effective resolution of disputes, and to utilize the immense resource of retired judges and senior citizens through services in mediation, arbitration and other ADR mechanisms.

The above objectives are the guiding principles of the Lagos State Multi-Door courthouse.

Section 15 of the Lagos State Multi-door courthouse makes provision for the appointment of 3 ADR Judges by the Chief Judge of Lagos State. This appointment is in conformity with the partnership between the LMDC and the Lagos State Judiciary. The office of the ADR Judge was created in 2004 in line with the “managerial judge” concept. The functions of the ADR Judge in the LMDC include the endorsement of the terms of settlement reached by the parties, addressing of recalcitrant parties and performing advisory role in line with the administration of the centre.

The nature of the cases handled by the LMDC are copious and of different varieties. The cases include the following business/commercial, banking, construction, maritime, telecommunication, energy, administrative, civil rights, education, employment/labour, environmental, matrimonial causes, insurance, intellectual property, probate matters, technology, product liability, consumer protection, personal injury, securities, shipping and transportation, real property and professional malpractice or negligence. It has been observed that although the main concern of the LMDC is on commercial ADR, design and development of sector specific dispute resolution mechanisms for commerce and industry, it has also followed international best practice by its introduction of peer mediation in campuses to equip students and young people

<sup>29</sup> Lagos Multi-Door Courthouse Law, No. 21, Vol. 56, Laws of Lagos State, 2007.

<sup>30</sup> Oyo State Multi-door Courthouse Law, 2017; Enugu State Multi-door Courthouse Law, 2018; Plateau State Multi-door Courthouse Law 2017.

<sup>31</sup> Rivers State Multi-door Courthouse Mediation/Other ADR Processes and Arbitration Procedure Rules and Practice Direction 2021.

with the skills of dispute resolution.<sup>32</sup>

There are different doors at the LMDC for the settlement of disputes. These doors offer alternative to litigation. The first is the mediation door. The mediation door is voluntary, private and informal process in which a neutral third party called the mediator, help the parties in dispute to reach a mutually acceptable agreement. This door provides great opportunity for parties to actively participate in the process leading to the resolution of their dispute. The mediator does not pronounce any decision like is the case in the traditional court, but rather aids the parties to cross the line of settlement. At the LMDC, once parties have reached an agreement, the terms are reduced into writing and therefore constitutes a binding and enforceable contract. However, for walk-in cases, if the parties agree, such terms of settlement can be endorsed by the ADR Judge and it becomes a consent Judgment of the High Court of Lagos State and therefore enforceable in that nature.

There are five stages of ADR at the LMDC to wit: case initiation, intake, screening, pre-session, ADR session and closure stages. At the case imitation stage, a matter may be brought to the LMDC in any of the following three ways: walk-ins, court referrals or direct intervention. Walk-ins involve those cases where one of the disputants or both simply visit the LMDC on their own in order to seek resolution for their disputes. Court referrals are those cases that are sent to the LMDC by a presiding judge after the case was earlier filed at the traditional court. The High Court of Lagos State, Federal High Court or any other Court, including those outside of Lagos State can refer matters to the LMDC for resolution. Direct intervention involves a situation where the LMDC through its director may, especially where public interest is involved, approach the parties a dispute with a view to assisting them in the resolution of their dispute.

The agreements reached by the parties are binding and enforceable irrespective of whether the chosen door was mediation or arbitration or the hybrid method. Section 19 of the LMDC Law provides to the effect that upon the completion of an ADR proceeding, settlement agreement which are signed by the parties shall be enforceable as a contract between the parties and when such agreements are further endorsed by an ADR Judge or any other person as directed by the Chief Judge, it shall be deemed to be enforceable as a consent judgment of the High Court of Lagos State.<sup>33</sup> Similarly, Order 28 Rule 4 of the High Court of Lagos State (Civil Procedure) Rules 2019 States that, “An award made by an arbitrator or a decision reached at the multi-door court-house may be enforced by leave of a judge in the same manner as a judgment or Order of Court.”

## 1.5 The Abuja Multi-Door Courthouse

The successes recorded by the LMDC encouraged the establishment of the Abuja Multi-door Courthouse (AMDC). The Abuja Multi-door Courthouse is a court-connected initiative operating through the High Court of the Federal Capital Territory. It is fashioned to complement

<sup>32</sup> K Aina, “Alternative Dispute Resolution: the Practice and Procedure” (2008) A Paper Presented at the Nigerian Institute of Advanced Legal Studies Course in Practice and Procedure.

<sup>33</sup>*Ibid*, Article 17.

the courts conventional dispute resolution mechanism.<sup>34</sup> The AMDC is a part of the Abuja High Court Judiciary and is aimed at ensuring effective administration of justice via the use of ADR. The Preamble to the Abuja Multi-Door Courthouse Practice Direction provides, *inter alia*, as follows, “access to Justice means more than access to the courts, Lawyers and the juridical process. The presence of an Attorney or the existence of a judicial forum do not themselves assure that justice will be done. Providing access to justice means providing opportunity for a just and timely result”. The objectives of the AMDC include:

- i. To provide enhanced, timely and cost effective access to justice which could reduce or eliminate citizen frustration.
- ii. To supplement the avenues for justice by making available additional doors through which disputes could be resolved.
- iii. To utilize the immense resource of retired Judges through services in mediation, arbitration and other ADR mechanisms.

The legal framework for the establishment and operation of the Abuja Multi-door Courthouse are as follows, Abuja Multi-door Courthouse Practice Directions, 2003; Constitution of the Federal Republic of Nigeria, 1999 (as amended),<sup>35</sup> the Federal Capital Territory, Abuja High Court Act<sup>36</sup> and the Federal Capital Territory, Abuja High Court (Civil Procedure) Rules, 2018.<sup>37</sup>

The AMDC has jurisdiction to handle a wide range of cases such as those bothering on contract, commercial agreements, employment, banking, energy, land and real estate, family and matrimonial causes. There are three modes for which these cases can be brought before the AMDC to wit: walk-in, court referred matters and direct intervention by the AMDC.<sup>38</sup> Put differently, parties or one of the parties to a dispute may simply walk-in to the AMDC centre and initiate a matter. Or matters may be referred to the AMDC by the court where the matter was earlier filed for adjudication by virtue of Order 19 Rule 2 of the High Court of the Federal Capital Territory, Abuja (Civil Procedure) Rules 2018 which states thus,

- (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.

<sup>34</sup> O OGoodluck, “Overview of the Modus Operandi of the Multi-Door Court Houses”, in I. A. Aliyu and M. B. Uthman (ed.) *Alternative Dispute Resolution and some Contemporary Issues* (Advocate Chambers, Faculty of Law, Ahmadu Bello University, Zaria 2010) 259.

<sup>35</sup> Section 259 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

<sup>36</sup> Section 18 of the Federal Capital Territory High Court Act.

<sup>37</sup> Order 19 of the High Court of the Federal Capital Territory, Abuja (Civil Procedure) Rules 2018.

<sup>38</sup> A Akeredolu, *A Comparative Appraisal of the Practice and Procedure of Court-Connected Alternative Dispute Resolution in Nigeria, United States of America and United Kingdom* (Thesis, University of Ibadan 2013) 165.

There are other laws or rules that propose and promote direct referrals of cases to the AMDC in order to ensure reconciliation in appropriate cases.<sup>39</sup> Another means of initiating matters at the AMDC is by direct intervention by the AMDC director or the ADR Judge who may invite disputants to a meeting with the aims of resolving their pending dispute.<sup>40</sup>

Where parties reach a settlement, the terms are reduced into writing to be signed by the parties and witnessed by their legal representatives where they had one.<sup>41</sup> Where the matter was referred by the court and still pending therein, the signed agreement must be filed in the court registry within 10 days of the agreement and steps taken to dispose the case in the court. Where the matter was a walk-in or direct intervention by the AMDC, parties also have the option of getting their agreement endorsed by the ADR Judge as a consent Judgment of the court. Where the case was not resolved, a certificate of inability to resolve as in Form 6 together with the Director's report is to be put in the court's file and the case will be returned to the general cause list and proceed to trial.<sup>42</sup>

The agreement reached at the AMDC is enforceable in court as if the decision was handed down by the court in the first place. Order 19 Rule 17 of the High Court of FCT, Abuja (Civil Procedure) Rules, 2018 provides thus,

- (1) The court or Judge shall, on the application of parties enroll the terms on settlement reached at the AMDC as consent judgment, such terms shall thereupon have the same force and effect as judgment.
- (2) Parties in a "walk-in" ADR process may apply to an ADR Judge by a motion on Notice for an Order to enroll the decision or terms of settlement at the AMDC as a consent judgment.

However, where the case was handled and resolved at the Arbitration door, the award reached in enforceable. Order 19 Rule 13(1) of the High Court of FCT, Abuja (Civil Procedure) Rules, 2018 provides that, "An application to enforce an award on an arbitration on agreement in the same manner as a judgment or order may be made ex-parte, but the court hearing the application may order it to be made on notice". The provision also allow for the enforcement of foreign arbitration awards.<sup>43</sup>

The doors available at the AMDC are similar to the one earlier mentioned in respect of LMDC. Upon filing of cases, the matter first of all taken to the Dispute Resolution Officer who will assess the nature of the dispute and recommend the appropriate door for its resolution. Dispute the recommendation, the parties and their lawyers have the final say on how the case should proceed. This is because ADR is a party-driven mechanism for settlement of disputes.

## 1.6 Akwalbom State Multi-Door Courthouse

The Akwalbom State Multi-Door Courthouse (AKMDC) was established in the year

<sup>39</sup> Section 11 of the Matrimonial Causes Act, Cap. M7, LFN 2004.

<sup>40</sup> Article 2.1 of the AMDC Practice Directions, 2003.

<sup>41</sup>*Ibid*, Article 6.1

<sup>42</sup> Order 19 Rule 6 of the High Court of the Federal Capital Territory, Abuja (Civil Procedure) Rules 2018.

<sup>43</sup>*Ibid*, Order 19 Rule 14.

2008 as a court annexed centre offering a variety of doors for settlement of disputes. The legal framework for the establishment and operation of the AKMDC are: Akwalbom Multi-Door Courthouse Procedure Rules 2009 Nigerian Constitution and the Akwalbom State High Court (Civil Procedure) Rules, 2009.<sup>44</sup> It also include the High Court Law of Akwalbom State, 2000.<sup>45</sup>

Cases are initiated at the AKMDC via three ways to wit: walk-in<sup>46</sup>, referrals<sup>47</sup> and direct intervention by the AKMDC. The doors available for the settlement of disputes include, mediation, arbitration and the other hybrid models. By the provision of Order 3 of the AKMDC Procedure Rules it is stated that,

- (1) Where there is a prior existing agreement to submit dispute to any ADR process, any party or parties shall send to the Akwalbom Multi-Door Courthouse a request for ADR as in Form A, which shall briefly state the nature of the dispute(s) and the value of the claim(s), accompanied by a copy of the prior agreement, the document relied upon, the names, addresses, telephone, facsimile, telex and e-mail address (if known) of the parties to join the ADR, and of their legal representatives (if known).
- (2) Where there is a prior agreement, the date of commencement of ADR shall be the date on which the request for ADR is received at the Akwalbom Multi-Door Courthouse.

Order 4 of the AKMDC Procedure Rules, 2009 state to the effect that where there is no prior agreement to submit dispute for ADR, the date of the commencement of the ADR process shall be the date that such agreement is received in accordance with the Rules.

Order 5 provides for initiating matters through court referrals. It states inter alia as follows,

Referral of matters to the multi-door courthouse may be by any of the following ways:

1. A Judge of the High Court, Federal High Court, and courts of other jurisdictions outside Akwalbom State, a Magistrate, the Chief Social Welfare Officer or another officer exercising judicial authority may by order refer an ongoing matter before them to the multi-door courthouse.
2. Where the agreement of the parties provides for the use of any ADR mechanism, the court will enforce that clause in the agreement and refer the matter accordingly.
3. Any of the parties to a dispute or counsel to such parties may at anytime even after filing or commencement of action in the court opt for the use of ADR at the Multi-Door Courthouse.
4. The ADR Judge or the Director of the Multi-Door Courthouse, public institutions, corporations and other dispute resolution organizations.

<sup>44</sup> Order 25 Rule 1 (2) (c) of the Akwalbom State High Court (Civil Procedure) Rules 2009.

<sup>45</sup> High Court Law, Cap. 55, Volume 3, Laws of Akwalbom State 2000.

<sup>46</sup> Order 3 of the Akwalbom Multi-Door Courthouse Procedure Rules 2009.

<sup>47</sup>*Ibid*, Order 5.

5. Anyone involved in a dispute or a person who though not directly involved in the dispute has an interest in the dispute and is of the belief that the services of the Multi-Door Courthouse will be beneficial.

The above provision is very critical to the initiation of matters at the AKMDC. Paragraphs (1) to (3) of the Order 5 of the AKMDC Procedure Rules 2009 are in respect of court referrals which paragraphs (4) and (5) are in respect of direct intervention. The direct intervention could be initiated by the ADR Judge or director of the Multi-Door Courthouse, public institutions, corporations and any other dispute resolution organizations or any other person who has an interest in the dispute, even though not directly involved in the dispute. On the referrals from other courts outside jurisdiction, it has been noted that allowing matters outside AkwaIbom State to the AkwaIbom Multi-Door Courthouse may be abnormal in litigation but not as regards ADR as parties have the liberty to choose their venue for ADR. The only issue which can arise is with regard to endorsement of settlement agreement reached therein by an ADR Judge, whether such can be regarded as a judgment of the AkwaIbom State High Court and whether such can be enforced as such since the AkwaIbom High Court may lack jurisdiction in that regard.<sup>48</sup> However, since the endorsement by the ADR Judge is optional, the parties can decide against such endorsement.

The AKMDC outlines the procedure for the product of mediation<sup>49</sup> and arbitration<sup>50</sup> by the multi-door courthouse but also mentions neutral evaluations.<sup>51</sup> Where parties reach an agreement, a settlement agreement is signed by them. By signing, the parties agree to be bound by the terms of the settlement. For matters other than court referred matters, settlement agreements shall be entered in the records of the multi-door courthouse as a consent judgment by the ADR Judge. However, for matters that were referred to the AKMDC, settlement agreements shall be forwarded to the referring court where it shall be entered in the courts record as consent judgment.

Order 36 of the AKMDC Procedure Rules States that upon the completion of the ADR proceedings, settlement agreement which is duly signed by the parties shall be enforceable as a contract between the parties and when such agreements are further endorsed by an ADR Judge, it shall become a Consent Judgment enforceable by law. Order 37 Rules 40 of the AKMDC provides for the enforcement of an Arbitral award of the AKMDC as follows, “The Arbitration Award shall be enforced as provided for in the Arbitration and Conciliation Act, Cap. A18, Laws of the Federation of Nigeria 2004 or such other amended legislation as may be in force at the time of making the Award”.

### 1.7 Effectiveness of MDCH in Nigeria

It is not an overstatement to state that the multi-door courthouses have encouraged resort to ADR in the settlement of most cases that it was before the advent of the MDCH. It also

<sup>48</sup>Akeredolu (n. 46) 172.

<sup>49</sup> Order 13 of the AKMC Procedure Rules 2009.

<sup>50</sup>*Ibid*, Order 37.

<sup>51</sup>*Ibid*, Order 28.

provides the basis for the enforceability<sup>52</sup> of agreements reached via the conduct of mediation and other ADR methods beyond arbitration. And also provides the parties with a handful of options for the settlement of their disputes. In summation, MDCH has made resort to ADR more effective and efficient.

The Security, Justice and Growth Programme was inaugurated in Nigeria to ensure amongst other things, the establishment or creation of MDCH in States to guarantee safety, security and access to justice. The significance of MDCH or court-connected ADR were identified as follows,

- i. A fuller range of choice or doors for resolving disputes are made available to litigants;
- ii. Distrust of new and unfamiliar processes can be reduced because of the involvement and oversight of the judiciary;
- iii. For members of the judiciary, MDCHs are a means of decongesting their caseloads, allowing them more time to deal with other cases effectively thereby increasing productivity and improving access to justice for litigants;
- iv. Multi-door courthouses provide flexibility in both avoiding and returning to litigation;
- v. Parties are given the opportunity to arrive at solutions which are mutually and commercially acceptable and which may be beyond the scope of the court to arrive at;
- vi. Agreements can be recorded as judgments of the court and enforced through formal court mechanisms.<sup>53</sup>

To understand the importance of ADR and the MDCH facilitated ADR, the following statement by Justice Oke is significant where he wrote on the need to decongest the court as follows,

Nigerian courts are overflowing with cases. Congestion in the courts has generated more anger, more agony in the parties. Each Honourable Judge has not less than three hundred cases pending before him with new ones on a daily basis. We must not forget that proceedings are still being recorded in long hand and with other various technical problems, some cases last over 10 years from the date of filing. For instance, in my court, I have over 20 years old cases inherited by me from retired Judges. These are cases that have gone before two or three Judges before coming to my court. I remember vividly that Suit No. LD/469/77, *A.J. Lawal & Anor v Santos* is 26 years old, Suit No. LD/89/74 *Mrs. S.A. Abudu v. Alhaja T. Ogunbambi & Anor.* is 29 years old, while suit No. LD/4/78 *Sipeolu & Anor. v. AIICO Eng. Group Nig. Ltd.* is 25 years old. I have about 50 cases that are more than 10 years

<sup>52</sup> P O Idornigie, "Access to Justice: Exploring the Use of Alternative Dispute Resolution (ADR) Systems (2016) Paper Presented at the Refresher Course for Judicial Officers Organized by the National Judicial Institute, Abuja. [https://nji.gov.ng/images/workshop\\_papers/2016/Refresher\\_Judicial\\_Officers/507.pdf](https://nji.gov.ng/images/workshop_papers/2016/Refresher_Judicial_Officers/507.pdf). (Retrieved on 3 January 2025).

<sup>53</sup> Security, Justice and Growth Programme, Nigeria, "Alternative Dispute Resolution: Multi-Door Courthouse" (2010). [https://www.britishcouncil.org/sites/default/files/multidoor\\_courthouse.pdf](https://www.britishcouncil.org/sites/default/files/multidoor_courthouse.pdf) (Retrieved on 3 January 2025).

and 140 cases that are over 5 years old.<sup>54</sup>

It has been noted that the rules of court or laws that compel parties to resort to ADR may be advantageous in many ways but it raises several issues for concern, one of which is that it may constitute a violation of the right to fair hearing.<sup>55</sup> In the case of *Halsey v. Milton Keynes General NHS Trust*<sup>56</sup>, Dyson, L.J. held *inter alia* as follows,

It is one thing to encourage the parties to agree to mediation, even to encourage them in the strongest terms. It is another to order them to do so. It seems to us that to oblige truly unwilling parties to refer their disputes to mediation (and any other ADR method) would be to impose an unacceptable obstruction on their right of access to the court.

In addition to the above, Lord Woolf had admonished that ADR should not be made compulsory so an alternative or as a preliminary to litigation as it is in some jurisdictions in the United States because it denies the right to seek remedy in civil suit.<sup>57</sup> Although there are no express court decisions in Nigeria on the issue, any such compulsion would be contrary to the decision of the Supreme Court in the case of *Agu v. Ikweibe*<sup>58</sup> which held that disputing parties are allowed to settle their disputes in a manner acceptable to them.

The arguments in favour of the institutionalisation of ADR in the administration of justice delivery has always centered on decongestion of the dockets of the courts. The implication of these rules of court on ADR is that settlement under the formal justice system will assist the courts, making adjudication more accessible by reducing backlogs of cases in the court's causelists. Cases would now go through the diagnostic tool provided in case management conferences before a suitable mechanism is recommended to resolve the dispute. Thus, parties would 'reap the benefits pertinent to "alternative" processes in the immediate pre-litigation as well as within the litigation scenario, where formal proceedings have already been initiated'.<sup>59</sup> On the other hand, this new judicial activity in case management may tempt judges to place a greater emphasis on case data than on the quality of their decisions. Similarly, case management does not equate to an actual trial. There is no provision to review the process where there is an allegation of unfairness and partiality. The lack of procedural protections could expose parties to abuse of the court's new power.

It has been observed by Cremona that the fact that ADR is court-annexed will circumvent

<sup>54</sup> O Ooke, "Decongesting the Courts: the Place of LMDC" (2003) Paper Presented at the Access to Justice Forum, Lagos on 30 September 2003, Cited by B Faturoti, "Institutionalised ADR and Access to Justice: The Changing Faces of the Nigerian Judicial System" (2014) <http://ssrn.com/abstract=2477995>. (Retrieved on 3 January 2025). (2014) 1 *Journal Comparative Law in Africa* 71.

<sup>55</sup> *Ibid*, 78.

<sup>56</sup> (2004) EWCA Civ 576.

<sup>57</sup> H Woolf, Access to Justice: Interim Report to the Lord Chancellor on the Civil Justice System in England and Wales, Cited in Faturoti (n. 62) 79.

<sup>58</sup> (1991) 3 NWLR (pt. 180) 385 at 412.

<sup>59</sup> A Cremona, "Forced to Mediate: Critical Perspectives on Court-annexed Mediation Schemes" (2004) *Chamber of Advocates Malta Paper*, 5. <http://www.avukati.org/common/fileprovider.ashx?id=633057633364687500> (Retrieved on 3 January 2025).

obstacles ranging from ‘the lack of adequate information, to the reluctance to appear weak in proposing mediation to the other party to concerns as to the enforceability of the final solution’.<sup>60</sup> This is possible because designated ADR judges have to personally explore and administer ADR options along with the parties and their counsel. Another advantage is that information which is reluctantly made available by counsel could be accessed directly either by initiation of the court or by request of the parties. It is important that parties are open in the presentation of their cases and participate in good faith by providing the court with all the information that would facilitate a just and speedy disposal of the case. Besides, the informality which accompanies the procedure reduces the hostility which hovers over the adversarial process.

Enforcement of the outcome of the ADR process under private schemes has raised concerns for users. The powers of the judicial institution, in the form of contempt of court and the resultant fine and imprisonment, make disputants comply with its decisions. These powers are nonexistent in privately led ADR. Institutionalised settlements carry the same force of law as judgments handed down by judges and non-compliance also amounts to contempt. In addition, users can put more trust and confidence in the processes because they are based solely on the efficiency of the court system and not on the commercial interests of private service providers.

Apart from inefficiencies which have been attributed to the court as an institution, lawyers also employ various tactics to delay court proceedings. Lawyers sometimes aim to keep the status quo until the case goes to trial so that they can settle with the opposing party. From the point of views of lawyers, ADR may not only make them lose control over the proceedings but also take away their means of livelihood.<sup>61</sup> Institutionalised settlement, Cremona explains, helps clients “to overcome barriers inadvertently or otherwise created by his own counsel.”<sup>62</sup> In a case where a judge directs the parties to adopt any of the ADR methods, problems relating to asymmetry of information, the lawyer-client relationship and general reluctance due to the widespread distrust in the process can be overcome.

The challenges of institutionalising ADR include: stunting the growth of the development of the law as entire areas of law such as commercial cases are removed from the courts, preventing public debate and consensus building in cases with national public policy implications, depriving the public of important information such as news of a product’s harmful effects, hindering the role of the courts to influence behaviour in accordance with established norms and provide standards of enforcement, restraining the ability of the courts as neutral umpires to look out for parties who lack the capacity or resources to protect their own interests and lack of appropriate supervision particularly disclosures made or that surfaces during discovery. There is also the clear and present danger of the ‘alternative’ becoming consumed by rules.

The present challenge, therefore, is whether or not to offer Court Connected ADR

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<sup>60</sup>*Ibid.*

<sup>61</sup> L H Gummi, “Sink or Swim: Evolving a Broader Definition of Courts through the Multi-Door Approach to Dispute Resolution and the Implications it has for Traditional Court System” (2010) *International Journal for Court Administration* 8.

<sup>62</sup> A Cremona, “Forced to Mediate: Critical Perspectives on Court-annexed Mediation Schemes” (2004) *Chamber of Advocates Malta Paper*, 5. <http://www.avukati.org/common/fileprovider.ashx?id=633057633364687500> (Retrieved on 3 January 2025).

(CCADR) as part of the civil system of justice in Nigeria and if so, how to implement such CCADR in a manner that incorporates the procedural norms necessary to satisfy fundamental fairness without sacrificing the flexibility that gives ADR its force; and at the same time preserve the access to public adjudication that has made the judiciary so invaluable as an institution. When the public system of justice no longer functions effectively, there are powerful incentives to create private systems of justice. Private systems of justice, which today often are referred to as Alternative Dispute Resolution (ADR) procedures; hold a strong attraction, particularly when compared with a decrepit public court system.<sup>63</sup>

The different doors available at the MDCH allows for the appropriate method to be chosen for the resolution of the disputes brought before the MDCH. The doors chosen are usually based on expert assessment of the cases of the parties. This process had led to the resolution of several cases including those that were pending for several years in court. According to Ipaye,<sup>64</sup> one of the ways that ADR can be seamlessly integrated into the administration of justice, be it civil or criminal, is to adopt the idea of a multi-door courthouse. This assures that numerous doors are available under one roof, namely the courthouse, for litigants and disputants to pass through in order to have the dispute handled quickly, efficiently, and cost effectively. Gummi in his work observes as follows,

After our initial experiment with the Multi- Door Concept, I and many in my jurisdiction have come to the inevitable conclusion that dispute resolution is indeed a very turbulent body of water and for any justice system to swim across it and berth successfully, that system must shed as much load as possible. The Multi- Door should therefore be considered a willing ally of this progressive process. The other option is for the system to stand aloof and suffer the fate of the proverbial carpenter limited by his tools, the only tool in his possession being a hammer. There is no doubt that the a judiciary in this century that prides itself as the cauldron of conservatism avoiding the much encouraged paradigm shift will carry the excess baggage of overloaded dockets and citizen frustrations and capsize midstream.<sup>65</sup>

The operation of the multi-door courthouse ADR has yielded a number of documented triumphs. It has been noted that, “With the launch of a Multi- Door courthouse in Abuja, I cannot say we have swum successfully to the Promised Land but we surely have remained buoyant. In the last six years the; AMDC has taken its own fair share of the judicial load entertaining an average of over a hundred cases in each legal year with a settlement rate of about 70%.”<sup>66</sup> A survey of disputants was done in 2015 at the Lagos State MDCH. 69 percent of respondents said they were extremely satisfied or satisfied with the MDCH process, and 86 percent said they

<sup>63</sup> C Hazard Jr. and P D Scott, “The Public Nature of Private Adjudication” (1988 6(1) *Yale Law and Policy Review* 42-60. <http://www.jstor.org/stable/40239272>. (Retrieved on 3 January 2025).

<sup>64</sup>Ipaye (n. 25) 7.

<sup>65</sup> L H Gummi, “Sink or Swim: Evolving a Broader Definition of Courts through the Multi-Door Approach to Dispute Resolution and the Implications it has for Traditional Court System” (2010) *International Journal for Court Administration* 6.

<sup>66</sup>*Ibid* 7.

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would recommend the MDCH ADR process to friends.<sup>67</sup>

## 1.8 Conclusion and Recommendation

From the above analysis it can be concluded that the multidoor courthouses have improved the access to ADR as a means of settlement of disputes in Nigeria. The multi-door courthouse was first operated in Lagos in the whole of Africa. The success in its effective use of ADR to resolve disputes led to the adoption of the concepts of other States, including Akwalbom State. Specifically, this research found that the Multi-door courthouses in Lagos, Abuja and Akwalbom State that these centers have resolved majority of disputes brought or referred to it in very short time limit.<sup>68</sup> And the enforceability of the settlement outcome is better than those privately initiated by the parties to a dispute. This is because the various laws, rules of court and practice directions provide to the effect that such settlement agreement or award is binding on parties and can be enforced by them. The effectiveness of this mechanism for dispute settlement informs our call for all MDCH to be established in all the States of the Nigerian federation. The structure of the multidoor courthouse should be structured as proposed by Professor Sanders to be court-connected ADR centre. The National Industrial Court of Nigeria and the Court of Appeal have such centres in selected jurisdictions. This work recommends that it should be expanded to all the division and all courts in Nigeria.

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<sup>67</sup> M Odibo, "Access to Justice through Court Annexed Alternative Dispute Resolution Programmes: A Critical Assessment of the Multi-Door Courthouse System in Nigeria" (2016) Paper presented to the Society of Legal Scholars, Oxford, 8 September 2016, 9.

<sup>68</sup> E Onyema, "The Multi-door Court House (MDC) Scheme in Nigeria: a case study of the Lagos MDC" (2013) 2(7) *Apogee Journal of Business, Property and Constitutional Law* 96.