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ALTERNATIVE DISPUTE RESOLUTION IN THE MULTI-DOOR COURTHOUSE: A CASE STUDY OF THE PLATEAU STATE MULTI-DOOR COURTHOUSE

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Abstract
Litigation as a dispute resolution mechanism has over the years floundered in delivering justice due to a host of challenges like incessant adjournments, insufficient man power (judges), archaic judicial systems, over-crowded dockets etc. This led to the emergence and development of Alternative Dispute Resolution (ADR) with its mechanisms which are flexible, effective and efficient, which has now made dispute resolution. The growth of ADR has now brought about the establishment of the Multi-Door Courthouse (MDC) with several options (doors) for dispute resolution. These 'doors' are actually ADR mechanisms employed to reach amicable resolution of dispute. The work found out the efficacy of ADR in dispute resolution. Some MDCs were highlighted with more discussion centred on the Plateau Multi-Door Courthouse (PMDC). It was established by the work that the PMDC is a worthy addition to the dispute resolution regime in Plateau State and same should be further developed to meet the set objectives. It is suggested that the necessary Instruments like the PMDC Practice Direction and related Instruments should be enacted so that the operations of the PMDC are not hampered. Also, special synergy between the lower Courts and the PMDC should be put in place. This is because there are a lot of civil cases in the District and different Grades of the Area Courts in Plateau State that would require the attention of the PMDC. These cases range from land matters, recovery of premises, default summons, dissolution of marriage etc. The PMDC should not be treated as a Centre for cases from the High Court only.

Keywords: Alternative dispute resolution, litigation, multi-door courthouse, settlement out of court, negotiation, mediation, arbitration, conciliation, early neutral evaluation

I. Introduction

Conflicts or disputes are actually not the challenge; the challenge is their resolution. Conflict managers and dispute resolvers are therefore not masters in preventing dispute (even though that would be preferable) they are however striving for mastery in resolving disputes or conflicts. The role of the judiciary in any nation is well defined; it is that arm of government charged with the solemn and onerous task of settling disputes in the society. Such task is very delicate and difficult that in some cases, judges lose their lives in intricate cases. The judiciary major avenue for dispute resolution is the Court. The Court system or jural system also known as litigation or adjudication involves the usage of complex legal jargons and technicalities in the administration of justice. Like the case of the common law in England, dissatisfaction arose among litigants due to the rigidity and harshness of the common law. This led to the emergence and development of equity from the Lord Chancellor's chambers. In our present context, litigation became clogged down with several challenges with led to dissatisfaction among litigants and indeed legal practitioners and judges. These challenges include; over-crowded dockets, incessant adjournments, reliance on technicalities and formalities, the expensive nature of litigation, cumbersome procedures and processes, inadequate man power (judges and other judicial officers), insufficient facilities, old fashioned court-system etc. Soon, there was need for a credible and viable option to compliment litigation. This led to the emergence of Alternative Dispute Resolution (ADR) around the 1970s in the United States of America.

ADR emphasizes settlement out of court. It places premium on the relationship of parties and seeks to restore same. ADR works more in civil law and in specific disputes like commercial disputes, land

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matters, matrimonial causes, recovery of premises, probate and administration of estates etc. This is because in such disputes, the relationship of the disputants ranks far and above the rigours and finesse of adjudication. Given the flexible nature of ADR mechanisms and the participatory nature, disputants prefer ADR processes which enable them discuss their issues with a view to settlement. ADR has now developed and influenced the development of the Multi-Door Courthouse (MDC). The latter as the name suggests is a 'court' with many 'doors'. These 'doors' are avenues or platforms for resolution of disputes. Thus, litigation is one of such 'doors'; negotiation is another 'door'; mediation is a 'door'; mini-trial is a 'door' etc. From the first MDC in Nigeria, the Lagos MDC, several others have been established in more States of the Federation. In Plateau State, an MDC was established. It is therefore necessary to discuss the concept of ADR, the reasons for ADR, some mechanisms of ADR, the MDC, and some MDCs in Nigeria and particularly dwell on the Plateau State MDC.

2. Brief Conceptualization of Alternative Dispute Resolution

However, before delving into the definition of ADR, it is important to note that some authors are opposed to the concept. For some, their opposition to ADR stems from the word "alternative" itself. They hold that the word is subversive and connotes rivalry to litigation. One of the prominent voices in furtherance of this argument against ADR is Sir Laurence Street, who opines as follows:

> *It is not in truth "Alternative". It is not in competition with the established judicial system…Nothing can be alternative to the sovereign authority of the court system. We can, however, accommodate mechanisms which operate as additional or subsidiary processes in the discharge of the sovereign's responsibility. These enable the court system to devote its precious time and resources to the more solemn task of administering justice in the name of the sovereign.*[1]

Going by Sir Laurence Street's remarks above, it is clear that he still recognizes other mechanisms of dispute resolution other than litigation. His grouse is in the fact that should mechanisms are not to replace litigation but supplement litigation in dispute resolution. The opposition to ADR notwithstanding, the proponents of ADR are still resolute in their determination to mainstream its importance in dispute resolution. Thus, the Institute of Chartered Mediators and Conciliators (ICMC) states as follows:

> *Some call it Appropriate Dispute Resolution. Others call it Amicable Dispute Resolution. Still others, who believe that its origin is firmly rooted in Africa, call it African Dispute Resolution. Whatever you may wish to call it, the fact remains that there is a crying need to supplement litigation through more peaceful and user-friendly options for resolving disputes.*[2]

The ICMC position is quite appreciated and commendable. It focuses and places ADR in its rightful place as far as dispute resolution is concerned. We consider it apposite to state from the outset that ADR, as we shall soon see, is not an opponent of litigation but a companion. ADR does not seek to supplant or circumvent litigation but is a partner in progress in the cause of justice. Its ultimate aim is the attainment of the ends of justice. In the 21st century, what is required is collaborative justice i.e. the concerted employment of any legitimate means to achieve justice. Thus, our discussion on ADR is necessary in order to highlight the necessity of ADR and to deepen the practice of ADR. This is the drive and position of this work.

The need to permit disputing parties seek out-of-court settlement has received judicial approval and same was aptly and succinctly captured in the case of *Abdulhamid Salihu & 16 Ors. v Ministry of Education Gombe State & 3 Ors.*[3], where the Court of Appeal, Yola Division held as follows:

> *Now, while in every civilized, more especially in all democratic society litigation is the ultimate in the resolution of disputes where parties are unable to amicably sort out their*

[1] L Street, 'The Language of Alternative Dispute Resolution' (1992) 66 Alternative Law Journal 194 (cited in Alternative Dispute Resolution: Mediation and Conciliation (2010, Australian Law and Reform Commission) 14 in George Etomi, *An Introduction to Commercial Law in Nigeria, Text, Cases & Materials* (MIJ Professional Publishers Limited: Lagos) 2014, 344.
[2] Alternative Dispute Resolution (ADR), Institute of Chartered Mediators and Conciliators 102nd Mediation Skills Accreditation and Certification Training For Membership of the Institute Training Manual, 2016, p.2.
[3] (2017) 3 NWLR (pt. 1551) 124.

> *differences, yet it is a truism that litigation in most cases are (sic) either prolonged and end in favour of one party against the other and tending to even widen the differences between the parties in the spirit of the "victor" and the "vanquished". This is where the concept of alternative but amicable resolution of disputes between parties by themselves steps in to afford the parties the unique opportunity of being "both winners" in the "win win" result of peaceful out of court settlement of dispute by the parties. In similar circumstances before this court in Lau Local Government v. Kabiru Umar (2014) 35 WRN 144 @ p.160, I had expressed the view then, a view which still holds true now, that: The procedure in ADR cases where they are successfully employed and applied results into what ardent practitioners and strong believers or apostles of the alternative dispute resolution (ADR) mechanism or concept refers to as "win win" situation. Both parties are made to and have become winners, none a loser, this augurs well for a complete or total reconciliation and this engender future cordial relationship between the parties to such amicable settlement.*[4]

Having begun on the solid footing of the dictum of Georgewill, JCA (supra), let us then consider some scholarly and well-articulated definitions of ADR for the sake of this discussion. The term ADR "*…is generally used to describe the methods and procedures used to resolve disputes either as alternatives to the traditional disputes resolution mechanism of the court or in some cases as supplementary to such mechanism*."[5] Another source puts it thus: "*ADR refers to the set of mechanisms a society utilizes to resolve disputes without resort to costly adversarial litigations.*"[6] In another light, ADR is seen as, "*…the means or methods of resolving legal disputes or conflicts privately through the intervention of a third party other than via litigation*."[7]

Akinbuwa, defines ADR as follows:

> *Alternative dispute resolution refers to a range of mechanism designed to assist disputing parties in resolving their disputes without the need for formal judicial proceedings. They are those mechanisms that are used to resolve disputes faster, fairer, and without destroying on-going relationships*.[8]

Similarly, ADR is stated to mean, "*…those processes where the disputing parties themselves are directly involved in the efforts towards finding a common ground or mutually acceptable solution.*"[9] Still on ADR, a source states that, "*Alternative Dispute Resolution (ADR) includes practices, techniques and approaches for resolving and managing conflicts short of, or alternative to, full scale court process*."[10] The Black's Law Dictionary[11] defines ADR as "A procedure for settling a dispute by means other than litigation, such as arbitration or mediation."[12] The Black's Law Dictionary also adds as follows:

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[4] Ibid, per Georgewill, JCA, pp.137-138, paras. D-D.

[5] J O Orojo and M A Ajomo, Law *and Practice of Arbitration and Conciliation in Nigeria* (Lagos: Mbeyi & Associates (Nigeria) Limited, 1999), p.4.

[6] United Nations Office on Drugs and Crime Training Manual on Alternative Dispute Resolution and Restorative Justice, 2007, p.16. See <www.unodc.org/.../Training_Manual_on_alternative_dispute_resolution_and_restorative_justice.pdf.> Accessed on 10th June, 2025.

[7] Course Handbook on Alternative Dispute Resolution I (LAW 517), National Open University of Nigeria, p.13. See <www.nou.eu.ng.> LAW 517 Alternative Dispute Resolution I.pdf. Accessed on 10th June, 2025.

[8] A A Akinbuwa, 'Citizens Mediation Center and Multi-door Courthouse in Lagos State" in "Law, Politics and Development", NBA Ikeja Branch, 2010, p327 in B Atilola and M Dugeri, 'National Industrial Court of Nigeria and the Proposed Alternative Dispute Resolution Centre: A Roadmap,' p.10. See <www.nicn.gov.ng/.../ARTICLE%20ON%20ADR%20FOR%20NIC.pdf.> Accessed on 10th June, 2025.

[9] A Kehinde, "Alternative Dispute Resolution," in Nigerian Law and Practice Journal, Council of Legal Education, Nigerian Law School, Vol. 2, No.1, March 1988, p.169-170, in "National Industrial Court of Nigeria and the Proposed Alternative Dispute Resolution Centre: A Roadmap." Ibid.

[10] Alternative Dispute Resolution Practitioner's Guide, March, 1998. Technical Publication Series, Center for Democracy and Governance, Bureau for Global Programmes, Field Report, and Research, U.S. Agency for International Development, Washington, D.C 20523-3100, footnotes 11-26, in Animashaun, O. "Court-Connected ADR and Industrial Conflict Resolution: Lessons from South Africa and Guatemala." See <www.nicn.gov.ng/.../Court-Connected%20ADR%20and%20Industrial%20Conflict%20Resolution.pdf>. accessed on 10th June, 2025.

[11] Garner, Bryan (ed.) Black's Law Dictionary, 9th edition, (Thomson West: USA), 2009.

[12] Ibid at p.91.

> *ADR can be defined as encompassing all legally permitted processes of dispute resolution other than litigation…ADR is defined as everything-but-litigation because litigation, as a matter of law, is the default process of dispute resolution*.[13]

Still on the definition of ADR, Adedoyin Rhodes-Vivour states as follows:

> *There is no generally accepted definition of alternative dispute resolution and a broad range of procedures may be categorized as such. At its broadest, alternative dispute resolution encompasses any method of resolving a dispute other than by a binding dispositive decision imposed by a judge or arbitrator, generally but not necessarily involving the intercession and assistance of a neutral third party who helps the parties to reach a settlement*.[14]

According to Ewulum, and Nnedi, ADR is, '*…a non-adversarial way of resolving disputes. It also refers to a set of practices and techniques aimed at permitting the resolution of disputes outside the courts*.'[15] Introducing a new dimension to the definition and discussion on ADR, the Institute of Chartered Mediators and Conciliators, defines ADR in the following terms: '*ADR as a term covers the whole range of alternatives to litigation or arbitration which involve third party intervention to assist resolution of disputes…'*[16]

From the several definitions of ADR, we may safely posit that ADR is a regime that was distinct from and outside the realm of traditional dispute resolution but is now part of the adversarial system of justice employed upon to facilitate amicable resolution of disputes other than by litigation. It therefore may be court-connected or may be privately designed and resorted to by litigants. In all, ADR functions as an "alternative" to or "option" to the conventional and traditional method of dispute resolution—litigation. In all its essence, ADR presupposes that parties are ready and willing to settle their differences without legal recourse even though such disputes are before the court and waiting for the full cycle of litigation.

ADR is not a new concept. It was employed from time immemorial before adjudication became formalized. An example of this is found as follows:

> *If someone brings a lawsuit against you and takes you to court, settle the dispute with him while there is time, before you get to court. Once you are there, he will hand you over to the judge, who will hand you over to the police, and you will be put in jail. There you will stay, I tell you, until you pay the last penny of your fine.*[17]

The latter scenario reflects pretrial ADR, which is now being championed by the Multi-door Courthouse concept. In the light of ADR being an old concept, the following is instructive:

> *ADR is modern version of an ancient set of practices. Traditional societies in all parts of the world have featured variations of third-party arbitration and mediation. Western societies saw these practices subsumed by the rise of modern judiciaries. The increased complexity of these processes, however, saw reduced satisfaction with legal outcomes among disputants leading to a rediscovery of* ADR in the 1970s in *many parts of the world.*[18]

It is this "rediscovery" that is now being repackaged into a whole regime of civil law in order for disputes to be adequately and sufficiently settled between parties. This development is in keeping with the truism

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[13] Ibid in J W Stephen, *Alternative Dispute Resolution* (West Group: USA 2001), pp.5-6.
[14] Adedoyin Rhodes-Vivour, "Arbitration and Alternative Dispute Resolution as Instruments for Economic Reform" in Etomi (Ed.) Developments in Business Law; A Compilation of Papers Presented at the Nigeria Bar Association Section on Business Law Conferences (2010, Lagos) 69, 71 cited in George E. An Introduction to Commercial Law in Nigeria, Text, Cases & Materials (MIJ Professional Publishers Limited: Lagos) 2014, 345-346.
[15] B E Ewulum, and E O Nnedi, 'Alternative Dispute Resolution Mechanisms, Plea Bargain and Criminal Justice in Nigeria',(2017) 8(2) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* (NAUJILJ)119.
[16] Alternative Dispute Resolution (ADR), Institute of Chartered Mediators and Conciliators (n.3) p.2.
[17] Jesus Christ in Matthew 5:25-26, Good News Bible, second edn. 1994, p.8.
[18] United Nations Office on Drugs and Crime (n.7).

that it is better to employ dynamic alternative dispute resolution mechanisms than attempt to stop disputes; the latter situation is usually impossible.

3. The Need for Alternative Dispute Resolution

Etomi, highlights the need for ADR in these terms:

> *By using an alternative method to resolve disputes, the parties can avoid submitting such disputes to a court. ADR serves as a complement to the traditional court system (litigation), such that it is a substitute for parties who do not wish to go through litigation in order to achieve justice. In Nigeria, it is more than a complement but also an antidote to the delay in the dispensation of justice*.[19]

Still on this, the Institute of Chartered Mediators and Conciliators provide this understanding as to the need of ADR in the resolution of disputes:

> *ADR is flexible and adaptable, and specific ADR processes can be devised to suit complex disputes in interpersonal, communal and ethnic conflicts. Where there is willingness to use alternative methods of dispute resolution, an appropriate process can be found*.[20]

Adding his voice to this issue, Akomolede emphatically stated that,

> *The fact cannot be gainsaid that the dispensation of justice in Nigeria today is plagued with delay such that the various courts are inundated with cases which last for several years before they can be determined by courts of the first instance. Long adjournments, cumbersome and rigorous procedures, difficult and ambiguous rules of evidence and other several artificial obstacles are largely responsible for the delay which has…haunted the dispensation of justice system for so long. The effects of the foregoing scenario are that litigants are often frustrated, suspects are detained for years without formal trial, suspects who ought to be tried and punished for offences committed by them often escape without…[being punished]. Cost of litigation has soared with excruciating effect of inflationary trend on the economy, many litigants can no longer pursue their cases. What is more, the…[delays have] led …..citizens… [to take] the law into their own hands through lynching otherwise known as mob justice and such other illegal and unorthodox ways of redressing grievances*.[21]

The learned authors, Shikyil and Gidado opined that the evolution of ADR became necessary given the numerous challenges associated with litigation. In their words:

> *The search for redress of those rights through the legal system was becoming a complex exercise. People began to look for alternatives to the court adjudication of disputes as court congestion, high legal fees and waiting for one's day in court became a way of life for litigants who encountered the judicial system either voluntarily or involuntarily*.[22]

From the above reasons canvassed and well laid out by the learned authors, the need for ADR arose due to dissatisfaction associated with litigation as [the] means of dispute resolution in Nigeria and the world as a whole. One observation from the contribution of the learned authors above is the fact that they are well abreast with the practice of law. Their opinions are well grounded for any practicing lawyer in Nigeria. The challenges associated with litigation are still present despite the measures adopted by the judiciary to handle them. One of such measures is Case Management System, which requires Judges to

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[19] G Etomi, *An Introduction to Commercial Law in Nigeria, Text, Cases & Materials* (MIJ Professional Publishers Limited: Lagos, 2014) 342.

[20] Alternative Dispute Resolution (ADR), Institute of Chartered Mediators and Conciliators (n.3) p.3.

[21] A Ifedayo 'Reflections on Alternative Dispute Resolution (ADR) as an Antidote to the Delay in Dispensation of Justice in Nigeria" in Trends in Nigerian Law: Essays in Honour of Oba DVF Olateru-Olagbegi III (2007, Constellation Nig. Publishers, Ibadan) 482 cited in George E. An Introduction to Commercial Law in Nigeria, Text, Cases & Materials (MIJ Professional Publishers Limited: Lagos, 2014) 342-343.

[22] S S Shikyil, and M M Gidado, *The Province of Legal Method* (Jos University Press: Jos, 2016) 113.

monitor the development of cases they handle and tie them to specific time lines. Another measure is the Fast Track method of hearing cases particularly adopted by the appellate Courts.[23]

Having defined ADR as involving the use of some mechanisms, these mechanisms are numerous but some are as follows: negotiation, mediation, conciliation, arbitration, mini-trial, early neutral evaluation, expert determination, neutral fact-finder, med-arb (mediation-arbitration) and arb-med (arbitration-mediation). Also, only arbitration is binding between the parties, other outcomes are non-binding except where the matter emanates from a Court and same is reduced into writing and entered as consent judgment between the parties.

4. The Concept of Multi-Door Courthouse in Nigeria

The Multi-Door Courthouse (MDC) is a modern phenomenon. It seeks to open up the Court system to disputants to find sufficient avenues of resolving their disputes. The MDC refers to:

> *…a court that provides an array of dispute resolution options or screens cases and then directs to select the ADR process of their choice from the options available. Upon choosing an ADR process, the court will channel the dispute to particular ADR methods. A multi-option ADR is also called a multidoor courthouse.*[24]

Similarly, Adams[25] opines as follows:

> *The name "Multi-Door" comes from the multi-door courthouse concept, which envisions one courthouse with multiple dispute resolution doors or programs. Cases are referred through the appropriate door for resolution.*[26]

The Multi-Door Courthouse (MDCs) concept gained notability from the works of Professor Frank G. Sander during the Pound Conference of 1976. According to him, the programs or options could be located inside or outside the courthouse and could include, but would not be limited to, litigation, conciliation, mediation, arbitration, and social and governmental services.[27] According to Professor Sander's "Comprehensive Justice Centre" which is akin to the MDCs, court officials can take time to sieve cases before the MDCs and refer such cases to the appropriate mechanisms which best suits the particular case.[28]

It is therefore clear from the above concepts that the multi-door courthouse is a platform wherein multiple and varied avenues of are employed to settle disputes. These avenues are the various mechanisms of ADR like mediation, arbitration, conciliation, mini-trial, negotiation etc. It avails parties the opportunity of having their complaints accessed before litigation is considered.

5. Plateau State Multi-Door Courthouse

The Plateau State Multi-Door Courthouse was established by the Plateau State Multi-Door Courthouse Law, 2017.[29] The said PMDC is described in these words: "*a Court-connected Alternative Dispute Resolution Centre with its offices located in Jos and such other suitable locations as the Chief Judge*

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[23] For instance the Court of Appeal (Fast Track) Practice Directions 2014 contained in the Court of Appeal Rules 2016, which accommodate appeals arising from cases of Debt Appeals, Corruption, Human Trafficking, Kidnapping, Money Laundering, Rape, Terrorism, national human rights, intelligence, law enforcement, prosecutorial or security agencies such as the Economic and Financial Crimes Commission, Independent Corrupt Practices Commission, National Human Rights Commission, the State Security Service. Another example is the Supreme Court (Criminal Appeals) Practice Directions, 2013, which is contained in the Supreme Court Rules 2013, which provide for the Fast Track of appeals arising from the following cases: all criminal appeals particularly those relating to offences of Terrorism, Rape, Kidnapping, Corruption, Money Laundering and Human Trafficking, Interlocutory Applications etc.

[24]See <http://definitions.uslegal.com/m/multi-option-adr/>accessed 10 June 2025.

[25]Director of the Washington D.C Multi-Door Dispute Resolution Division, located at 410 E Street NW, Washington DC, USA.

[26]See <http://www.dccourts.gov/internet/superior/org_multidoor/main.jsf.> accessed 10 June 2025.

[27] See Aina, Kehinde (n.10).

[28]See O Ajiboye, 'The Concept of Multi-Door Courthouse in Nigeria: Rethinking Frank Sander's Concept, <https://www.researchgate.net/publication/268333752_The_Concept_of_Multi-Door-_Courthouse_In_Nigeria_Rethinking_Frank_Sander%27s_Concept> accessed 10 June 2025.

[29] Plateau State Notice No. 8 Vol. 1 of 21st May, 2019, hereinafter referred to as "the PMDC."

may approve.[30] The latter provision of the PMDC Law shows that it is an ADR Centre that is connected to the Court. It further underscores the fact that the Plateau State judiciary places high premium on ADR, having incorporated same into its dispute resolution regime. The PMDC has well set out objectives as follows:

(a) to enhance access to justice by providing alternative mechanisms to supplement litigation in the resolution of disputes;
(b) to minimize citizens' frustration and delays in justice delivery by providing a standard legal framework for the fair, speedy and efficient settlement of disputes through Alternative Dispute Resolution (hereinafter referred to in this law as the "ADR");
(c) to serve as the focal point for the promotion of ADR in Plateau State; and
(d) to promote the growth and effective functioning of the justice system through ADR methods.[31]

From the above objectives, the PMDC was established to among other things "supplement litigation" in dispute resolution. This supports the argument we have canvassed from the beginning that ADR in its truest of forms and practice does not rival litigation but supports litigation. Also, the PMDC seeks to solve the challenges posed by litigation by minimizing the frustrations and delays associated with litigation. It thus seeks to invest confidence and trust in the administration of justice in Plateau State. In the same breath, it seeks to promote fair, speedy and efficient resolution of disputes, which enhances confidence in the justice system.

In order to effectively carry out these objectives, the PMDC has determined functions and powers. They are to:

(a) apply mediation, arbitration, neutral evaluation and any other ADR mechanisms in the resolution of such disputes as may from time to time be referred to it by the High Court of Justice of Plateau State or other courts of the State, Private Persons, Corporations, Public Institutions, Religious Bodies or other Dispute Resolution bodies;
(b) encourage disputing parties to appear before it for the resolution of their disputes;
(c) assist disputing parties in the resolution of their disputes and act as administrators in the conduct of local or international proceedings;
(d) publicize its services by informing and sensitizing the public about its facilities;
(e) render assistance in the conduct of ad hoc Arbitration or Mediation Proceedings;
(f) encourage disputing parties whose matters are already listed before the court to appear before it to explore settlement options;
(g) register and maintain a data bank of suitably qualified persons to act as Mediators, Arbitrators or Neutral Evaluators, Conciliators, etc.;
(h) promote or undertake projects or other activities which will further assist in decongesting the courts;
(i) provide ADR services in all appropriate matters; and
(j) initiate and organize Workshops, Seminars, Training Programs and undertake publications with regard to any findings or discoveries resulting therefrom.[32]

The functions and the powers of the PMDC are well captured and elaborate enough. It is noteworthy that the PMDC allows the employment of ascertained mechanisms of ADR and also such other mechanisms of ADR which may suit a particular situation. Thus, the traditionally recognized mechanisms of ADR like mediation, arbitration and neutral evaluation are used while any other ADR mechanisms can still be resorted to in the resolution of disputes. This provision is apt considering the steady development of ADR in Nigeria. On the positive note is the provision of the Law which empowers the ADR Centre to receive and handle referrals from the High Court of Justice of Plateau State or other courts of the State (includes the Area Courts, District Courts and such other courts as may be created by a Law of the State), Private Persons, Corporations, Public Institutions, Religious Bodies or other Dispute Resolution bodies. The latter provision has created wider latitude for matters to be

[30] Section 3(2) of the Plateau State Multi-door Courthouse Law, 2017.
[31] Section 4(a)-(d) of the Plateau State Multi-Door Courthouse Law, 2017.
[32] Section 5(a)-(j) of the Plateau State Multi-Door Courthouse Law, 2017.

heard by the PMDC. It is not only narrowed to disputes pending a court in the State but now accommodates other outlets. It means inter alia that private persons/individuals can actually approach the PMDC to resolve their disputes. This is likened to the Citizen Mediation Centres of the Lagos State judiciary. In achieving and sustaining the ADR thrust in the State, the PMDC is empowered to register and maintain a data bank of suitably qualified persons to act as Mediators, Arbitrators or Neutral Evaluators, Conciliators, etc. In achieving this mandate, the PMDC is invariably encouraging persons to seek certification, qualification and competence in ADR practice. With this register and data bank in place, a pool of ADR practitioners for the State will be generated and used as resource persons in meeting the set objectives of the PMDC. It is therefore recommended that persons interested with ADR practice get trained and certified in ADR practice in order to feature in the dispute resolution thrust of the PMDC.

When ADR proceedings/processes have successfully resolved the dispute of parties, a Settlement Agreement duly signed by the parties shall be enforceable as a contract between the parties.[33] A Settlement Agreement is defined in the Law as:

> *...the terms of settlement or memorandum of understanding or any agreement by whatever name reached through mediation between disputing parties and which shall be enforced as the Consent Judgment of the Court on due endorsement by an ADR Judge or any other person so directed by the Chief Judge*.[34]

A Consent Judgment according to the Law means, "*a Judgment based on the settlement agreement of the parties*."[35] In the event a Settlement Agreement is reached and same is entered as Consent Judgment between the parties to the dispute after the prescribed fees have been paid, the said Consent Judgment shall be enforceable by the Sheriff under the provisions of the Sheriff and Civil Process Law or any other legislation for the time being in force.[36] With regards to arbitration, arbitral awards shall be enforced as provided for in the Arbitration and Conciliation Act.[37]

Where a person/persons or party/parties refuses to submit to ADR at the PMDC, such defaulting person/persons or party/parties shall be brought before the ADR Judge who shall upon due consideration of the person's/persons' reasons and arguments give such directives as may be reasonable in the fulfillment of the overriding purpose of the PMDC.[38] The latter provision is in tandem with the *audi alterem partem* rule of natural justice, i.e. the other party should be given an opportunity of being heard. In this case, even if such a party defaults in submitting to ADR, the ADR Judge has the power to mandate the party's appearance in order for the ADR Judge to ascertain the reasons for such default in submission to ADR. It is suggested that the ADR Judge may invoke his powers to issue Summons to such party refusing to submit to ADR.

The PMDC Law also enumerates the duties of the Chief Judge of the State as follows:

(a) designate ADR Judges;
(b) prescribe a scale of fees for the Panel of Neutrals;
(c) receive monthly reports and updates on the activities of the PMDC from the Director;
(d) promote the growth and development of the PMDC including its integration within the Judicial System; and
(e) make other contributions towards the promotion of the activities of the PMDC and further its objectives.[39]

It is thus expected that whoever serves as the Chief Judge of Plateau State must among other things be familiar with and versed in ADR practice. Similarly, this should serve as the platform upon which he appoints ADR Judges. With the monthly report from the Director of the PMDC, the Chief Judge is able to assess and evaluate the effectiveness or otherwise of the PMDC with a view to improving it. The Chief Judge of the State is empowered to appoint and designate a Director for the PMDC from among the staff of the State

[33] Section 19(1) of the Plateau State Multi-Door Courthouse Law, 2017.
[34] Section 2 ibid
[35] Ibid.
[36] Section 19(2) ibid
[37] Section 19(4) of the Plateau State Multi-Door Courthouse Law, 2017; now the Arbitration and Mediation Act, 2023.
[38] Section 20 of the Plateau State Multi-Door Courthouse Law, 2017.
[39] Section 22(a)-(e) of the Plateau State Multi-Door Courthouse Law, 2017.

Judiciary.[40] The Director of the PMDC shall be the Chief Executive and Accounting Officer of the PMDC and shall be responsible for the overall administration of the PMDC. For qualification, he must be a legal practitioner of not less than 12 years' experience with wide knowledge and experience in ADR and managerial skills.[41] As for the tenure of the Director of the PMDC, he shall serve for a term until such time as the Chief Jude of the State re-assigns him.[42] While the appointment of the Director of the PMDC is drawn from the staff pool of the Staff of the Judiciary, such a person must be given to learning and personal development because ADR is not static. Also, bureaucratic tendencies associated with government departments and agencies must not feature in administration of the Director of the PMDC or else the objectives of the PMDC, which include speedy and less cumbersome attainment of justice, will be defeated. In this wise, we suggest that the Director should have a term of office which may be renewable. This will aid the Chief Judge in appraising the performance of the Director and taking necessary steps to improve the PMDC.

The PMDC shall also have a Registrar, which is appointed by the Chief Judge from the State Judiciary.[43] Though there are no stated professional or cognate qualifications stated in the Law regarding the Registrar of the PMDC, it is hoped that persons appointed therein shall be those with the requisite professional and cognate qualifications to further the objectives of the PMDC as enumerated in section 13(2)(a)-(i) of the Plateau State Multi-Door Courthouse Law, 2017. This is also apposite considering the fact that the functions of the Registrar is the Manager of the PMDC; involved in the day-to-day management of the PMDC, which are management of the PMDC facilities, supervise other staff of the PMDC, attend to disputing parties, effectively manage the dockets of the PMDC, receive and cause to be received fees and monies paid or deposited in respect of proceedings at the PMDC, keep or cause to be kept proper accounts of all monies collected, directly responsible to the Director and perform other duties as may be assigned from time to time by the Director.[44] The Director and Registrar of the PMDC are the major administrators and drivers of the objectives of the PMDC. The Chief Judge should ensure that they regularly update their capacities through trainings.

The Law provides for the roles of the Courts, Counsel and Parties. Thus, the Courts are expected to among other things, encourage the use of the PMDC for the settlement of disputes; avoid the assumption of the role of a mediator in the course of a pre-trial conference; inquire from parties, efforts made at ADR; ensure that parties and their Counsel show proportionate and responsible behaviour in their pursuit of exploring or adopting ADR in the resolution of their disputes; control and manage proceedings in the Court and issue orders which would encourage the adoption of ADR methods in dispute resolution, including mandatory referral of parties to explore settlement at the PMDC whenever one of the parties to an action is willing to do so; adopt best known international practices and appropriate measures towards the promotion and development of an ADR consciousness among litigants and their counsel including orders as to costs and such other orders or directions as the court may consider appropriate; discourage the continuation of proceedings in Court until parties referred to the PMDC have through their counsel or by themselves confirmed submission to proceedings at the PMDC and a report has been duly filed in Court by the PMDC; recognizing and giving effect to dispute resolution clauses contained in agreements between parties; and ensure the adoption and enforcement of Terms of Settlement and awards reached at the PMDC in the same manner as a Judgment or order of Court.[45] This again underscores the need to appoint such Judges who understand the working of ADR as ADR Judges in order to meet up with these prescribed roles.

For Counsel i.e. legal practitioners, section 27(1) of the Law lists their role as follows:

(1) The responsibility of Counsel in regard to ADR is to the Court, the PMDC and the Legal Profession in promoting a better and more efficient justice delivery system.
(2) Counsel has a duty to expose clients to alternative methods of dispute resolution and explore with then the most appropriate mechanism in the resolution of matters brought before them.
(3) Counsel shall:

[40] Section 23(1) ibid
[41] Section 23(2)(a)-(b)ibid.
[42] Section 24 ibid.
[43] Section 25(1) of the Plateau State Multi-Door Courthouse Law, 2017.
[44] Section 25(2) ibid.
[45] Section 26(a)-(i) of the Plateau State Multi-Door Courthouse Law, 2017.

(a) Give due consideration and support to suggestions, orders and directives from the courts for an amicable settlement or the referral of on-going matters to the PMDC.
(b) Give regard and ensure clients accord respect to notices, invitations and directives from the PMDC; and
(c) Further the cause of ADR and give effect to the overriding objectives of the PMDC.

Lawyers have a great role to play with regards to matters referred or instituted before the PMDC, where their services have been retained by litigants or disputants. While emphasizing some Rules of Professional Ethics, the PMDC notes in section 27(2) that, "*Counsel has a duty to expose clients to alternative methods of dispute resolution and explore with then the most appropriate mechanism in the resolution of matters brought before them*." It invariably means that a legal practitioner must therefore be grounded in the ethics and practice of ADR; because one cannot give what one doesn't possess or have. Lawyers by their training and orientation are groomed in the art and act of litigation so it becomes difficult to shift focus to ADR. As for the role of parties or disputants, the PMDC Law provides as follows[46]:

(1) Disputing parties have a responsibility to the PMDC and to the ADR process and are to cooperate with officers of the PMDC in the administration of their dispute.
(2) Parties shall:
(a) consider seriously the possibility of ADR procedures for resolving their claims or issues when encouraged to do so by the Court, their Counsel or the PMDC.
(b) initiate the resolution of an on-going dispute through ADR and have due regard to notices and directives from the PMDC;
(c) ensure personal attendance at ADR Sessions and where the party is a corporation or body, ensure attendance of a suitable high ranking official with authority to settle the dispute on behalf of the corporation;
(d) attend the ADR Session (sic) in good faith without undue requests for adjournments or unwarranted delays and comply with directives from the Court and the PMDC Practice Direction; and
(e) prepare adequately for an ADR Session, be actively involved and be willing to explore various options towards settlement.

Parties or disputants are the most important stakeholders in any dispute resolution process. Since ADR focuses more on the parties and gives them an informal, friendly and serene atmosphere for the amicable resolution of their dispute, they are expected to show utmost good faith in the process. It is important to note that the dispute actually and factually resolves round the parties. The PMDC, legal practitioners, Panel of Neutrals, the Court etc. are only invited guests as it were. Thus, the capacity to resolve any dispute rests solely and squarely on the parties. Thus, their willingness, availability, sincerity, purposefulness, focus and flexibility are imperatives for successful ADR Sessions and positive outcomes/results. Again, lawyers still have a role to play here: they should educate, impress upon and influence their clients/parties as regards their conduct during the ADR Sessions.

The PMDC Law provides for a group of important interventionists called the Panel of Neutrals.[47] They comprise of persons who are experts in their chosen fields[48] or who have considerable relevant experience in their particular field of ADR practice[49] and those who have been trained and duly certified by a reputable and recognized organization in such field of expertise.[50] For the latter, organizations like the Institute of Chartered Mediators and Conciliators (ICMC), Centre for Effective Dispute Resolution (CEDR), Centre for Peace and Conflict Resolution (CPCR), Chartered Institute for Arbitrators (CIArb), etc. Though ADR seems centred on solving challenges, it is yet rewarding because the Chief Judge of Plateau State is empowered to prescribe the scale of fees payable to the Panel of Neutrals.[51] It is commendable to note that the PMDC ensures that ADR practice is both fruitful and financially rewarding; it is not gratuitous.

With the PMDC now in place its objectives will only be achieved if all the stakeholders are determined to make it happen. If this is done, it will definitely be a new dawn for dispute resolution in Plateau State and in

[46] Section 28(1), (2)(a)-(e) ibid.
[47] Section 29 of the Plateau State Multi-Door Courthouse Law, 2017.
[48] Section 29(1) (a) ibid.
[49] Section 29(1) (b) ibid.
[50] Section 29(1) (c) ibid.
[51] Section 29(2) ibid

Nigeria. Though new, the ADR regime in Plateau State via the PMDC would greatly impact the lives of litigants and improve justice delivery.

6. Conclusion

In this work, we have undertaken to examine what ADR consists of and its need. This is not far-fetched from the fact that with the decline of litigation came the emergence of ADR. Given that ADR mechanisms are cheaper, faster and user-friendly, recourse to them has proven to be a viable option to litigation. Especially in civil matters, ADR is establishing itself as a worthy partner in progress. The need for ADR was also underscored in the work. We have therefore established that ADR is the way to go in Nigeria and should be developed further. We also examined some mechanisms of ADR which are used in the MDCs.

With the influence of ADR, the MDCs in Nigeria are developing fast and to the benefit of the States. This is commendable and a sign that the judiciary is evolving well. The PMDC like other MDCs has clear cut objectives it has set out to achieve. These objectives if achieved will certainly enhance administration of justice in Plateau State. Having been so established, it is the duty and responsibility of every stakeholder to ensure it succeeds in its mandate. We have found out the various roles of the PMDC Directorate, the Chief Judge of the State, the Panel of Neutrals, the Clients and Legal Practitioners. It is a considered view that the PMDC should be enhanced and further developed to full capacity to meet the ends of justice within civil law.

7. Recommendations

Flowing from this discussion, the following suggestions are set forth for consideration:

The necessary Instruments like the PMDC Practice Direction and related Instruments should be enacted so that the operations of the PMDC are not hampered. With these Instruments, guidelines, procedures and processes in the PMDC will be streamlined for efficiency.

Sequel to section 5 of the Multi-Door Courthouse Law, the PMDC should be more visible and viable to the public. Its visibility will bring its existence and functions to the general public for patronage. The PMDC is enjoined by its Law to publicise its services by informing and senstitising the public about its facilities. This is to enable the public access and utilise the services of the PMDC, which are available.
The relevant stakeholders like Judges (superior and lower benches) and lawyers should be given comprehensive training and competencies in ADR. Added to this, there is also the need to train the Panel of Neutrals in the necessary skills required to function. Without these trainings, it would be business as usual. The PMDC would remain another mirage if these stakeholders do not possess the requisite training and skills to warrant the PMDC functioning as expected. A corollary to this will be to ensure that the Director and Registrar of the PMDC are high proficient in ADR mechanisms and skills. They serve as the managers and administrators of the PMDC and must therefore be well grounded.

Special synergy between the lower Courts and the PMDC should be put in place. This is because there are a lot of civil cases in the District and different Grades of the Area Courts in Plateau State that would require the attention of the PMDC. These cases range from land matters, recovery of premises, default summons, dissolution of marriage etc. With proper synergy, the PMDC would assist disputants and/or their legal practitioners in the resolution of their disputes. The PMDC should not be treated as a Centre for cases from the High Court only.

The PMDC management should keep records of referrals and sessions of the PMDC so that reference can be had to them. In the course of time, some precedents or decisions will be required for academic or practical purposes. These records should be both manual and digital. These records should be accessible to the public except where privacy and confidentiality is to be compromised. Members of the public can access the records of the PMDC via certified true copies upon the payment of the necessary fees. Also, modern publicity should be given to the PMDC and its activities via social media and mainstream media.

In order to encourage legal practitioners and also to properly guide and notify litigants or disputants, the fees payable to the legal practitioners and the PMDC should be publicised. A Schedule of Fees is necessary to establish some certainty. This Schedule of Fees may be reviewed from time to time based on current parameters. A Schedule of Fees ensures accountability and transparency.