

AN APPRAISAL OF THE PRACTICE AND PROCEDURE OF MULTI-DOOR COURTHOUSES IN NIGERIA*

Abstract

Multi-Door Court house (herein after called MDCH) is not another type of ADR process, rather it is a court – connected facility that formally integrates ADR into the court system and affords disputing parties the choice of having their disputes referred to the most appropriate dispute resolution process such as Negotiation, Mediation, Conciliation, Arbitration, Early Neutral Evaluation, Med-Arb and a lot more hybrid mechanism, after expert appraisal of the nature of respective disputes. The objective of this paper is to appraise the practice and procedure of Multi-Door Court Houses or Court Connected ADRs in Nigeria. The methodology adopted in this research is doctrinal. It relied on both primary and secondary data. This paper found out that Alternative Dispute Resolution Processes are increasingly being adopted in Nigeria as appropriate methods for settling disputes while some jurisdictions have institutionalized Alternative Dispute Resolution through the concept of a Multi-door Court house, many others are at different stages of formally introducing Alternative Dispute Resolution into their Court systems. This paper concludes that this process of settlement of dispute be encouraged because the essence and place of ADR in the national and international commercial and business relationship are obvious and that ADR offers advantage that litigation from its nature can never provide.

Keywords: Alternative Dispute Resolution (ADR), Multi-Door Courthouse, Court-Connected ADR, Practice and Procedure, Nigeria

1. Introduction

The concept of MDCH originated from a paper given by Professor Frank Sander of Harvard Law School in 1976. The occasion was a conference named in honour of Professor Roscoe Pound, who had delivered a famous paper in 1906 titled ‘The Causes of Popular Dissatisfaction with the Administration of Justice’. Notably, the term ‘Multi-Door Court’ was not coined by Professor Sander; he had used the phrase ‘Comprehensive Justice Centre’ to describe a court providing access to a range of ADR Facilities. However, the American Bar Association Published an article about his talk in its Journal and had put on the cover a whole bunch of doors, and called it, ‘the Multi-Door Courthouse’. The core of Professor Sander’s proposal implied that the ADR Mechanisms should be made available publicly, just like the Courts and his idea of a Comprehensive Justice Centre, advocates a comprehensive institution presumably funded by the State; a judicial structure which possesses dispute resolution mechanisms as major component in its system of dispensing justice. Inspired by the ‘Multi-Door’ concept enunciated by Harvard Law Professor, Frank Sander at the Pound Conference, the Lagos Multi-Door Courthouse (LMDC) Founder, Kehinde Aina, a partner in the Law Firm of Aina, Blankson & Co., established The Negotiation and Conflict Management Group (NCMG) in 1996 as a Non-governmental Organization to advocate the expansion of ADR in Nigeria and midwife the introduction of the Multi-Door Courthouse concept into the Nigerian Judicial System.¹ The acronym ADR means Alternative Dispute Resolution. It is a term usually associated with a variety of specific and flexible dispute resolution options such as Negotiation, Mediation, Conciliation, Arbitration, Mini-Trial, Case Evaluation, Early Neutral Evaluation, Med-Arb and a lot more hybrid mechanism.² Alternative Dispute Resolution Processes are increasingly being adopted in Nigeria as appropriate methods for settling disputes while some jurisdictions have institutionalized Alternative Dispute Resolution through the concept of a Multi-door Court house, many others are at different stages of formally introducing Alternative Dispute Resolution into their Court systems. This paper therefore appraises the practice and procedure of some Multi-Door Courthouses in Nigeria.

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¹K Aina, ‘The Multi-Door Concept in Nigeria: The Journey so far.’ Available @ www.lagosmultidoor.org accessed on 16th March 2023.

² S B Goldbers *et al*, *Dispute Resolution: Negotiation, Mediation and other Processes* 2nd Ed, (Boston: Little Brown & Co, 1992) 356

2. Various Options in Multi-Door Courthouses

The MDCs offer 3 main routes through which to resolve disputes: Early Neutral Evaluation (ENE), Mediation, and Arbitration

Early Neutral Evaluation

This involves a case being looked at by an individual third party (an Evaluator) and a view is then given as to the likely outcome or on a specific point of law. The opinion is non-binding and the parties can use it to determine how to proceed or as the basis for settlement. ENE is therefore a type of pre-trial review but without the need for parties to have issued proceedings at Court. The Evaluator is selected on the basis of their expertise. Parties do not need lawyers to make use of this service, but, if they choose to do so, they can be legally represented. An experienced lawyer, retired judge or a dispute resolution specialist are experts that sit to consider the relative strength and weakness of each party's position, analyse the likely result of the process and advise the parties accordingly.

Mediation

Mediation involves the parties to dispute outlining their grievances, with the oversight of an experienced and neutral mediator, whose role is to assist the parties to come to an agreement. The process is more informal than arbitration, and does not rely upon traditional Court-based procedures. The process is entirely voluntary and the parties may withdraw at any time. Lawyers can take part in the mediation process but parties do not require legal representation in order to make use of this service. It is a voluntary and informal process in which an unconnected third party called the mediator helps parties to amicably resolve their dispute by arriving at a mutually beneficial agreement. The mediator does not make decision rather the parties decide the terms of agreement.

Arbitration

Arbitration is a much more formalized method of ADR. In order to make use of arbitration there will almost always be an arbitration clause within a contract that both parties would have agreed to. The process for selecting an arbitrator is usually specified within such a contract for example, someone nominated by the Chartered Institute of Arbitrators which is an organization founded in London that has chapters and branches all over the world, including one in Lagos. Arbitration also follows a set procedure which is more court-like in its process both prior to and during the arbitration itself. Full legal arguments are presented and the proceedings should be fully recorded and transcribed. Parties must follow the rulings of the Arbitrator including any award set by him/her. Arbitration is particularly well-suited to commercial disputes, as unlike court proceedings which are open to the public, all arbitrations are conducted in private and the terms of settlement will remain confidential.³

3. How the MDCH Works

At the Multi-door Courthouses, the Registrar is a person trained and knowledgeable not only in law but also in the various dispute resolution mechanisms including litigation, negotiation, mediation, arbitration, conciliation, etc. for instance, he may be primarily trained as a lawyer, but with secondary training in ADR Mechanisms. Such vast training will equip him with the requisite skills and enable him to understand the nature of various disputes as well as the tasks and processes involved in resolving them. When a prospective disputant⁴ arrives at the court premises with his claim, his first contact is with the Registrar.⁵ On presenting the dispute (in writing) to the Registrar and paying the prescribed filing fees, the Registrar would study the facts, assess the nature of the dispute, and then refer it to the dispute resolution facility most suitable for it. These several (but optional) dispute resolution facilities are the dispute resolution 'multi-doors' situated within one 'Courthouse' (otherwise called the Multi-door Courthouse). The modes of referring cases to the multi-Door Courthouse are:

By Agreement of the Parties

The parties may agree to submit their dispute to the multi-door Courthouse, in which case they will present their dispute to the MDCH as agreed.

By Reference by the Court:

³A U Ezeanya, 'The Legal Framework of Multi-door Courthouse in Nigeria and Juxtaposing the Rules of Professional Conduct and High Court Rules Provision with Respect to Alternative Dispute Resolution' *Online Journal*. Available at updates@academia-mail.com. Accessed on 16th March 2023

⁴The term disputant is used deliberately here instead of 'litigant', because at this time it is not yet known whether the dispute will be referred for litigation, mediation or to any of the other 'doors' of the courthouse.

⁵This is the case whether the disputant comes in person or through his counsel.

The court may draw the attention of the parties to the availability of other dispute resolution mechanisms (including the Multi-Door Courthouse), and may advise them to take their dispute thereto for settlement.

By Referral by the Court

If the parties have taken their dispute to Court and the Court discovers that they have a subsisting agreement to submit their dispute to the MDCH, the Court would *suo motu* make an order transferring the dispute to the MDCH. It is submitted that whereas 'reference' is advisory, 'referral' is an order, directive and mandatory.⁶

By Intervention of the Multi-Door Courthouse:

The staff of the Multi-Door Courthouse may also intervene as volunteers to assist the parties in settling their disputes. When this happens, it is deemed to be a form of direct intervention by the Multi-Door Courthouse itself. The rationale for such intervention is the interest of the government and its institution in the restoration of societal harmony.⁷ Mmuozoba further explained the types of disputes that would be referred to the various corresponding dispute resolution 'doors' as follows;

- Land disputes and other disputes requiring injunctions, etc. – the Court (for litigation)
- Marital disputes, family disputes, emotional and ego-related disputes – the mediator's office
- Labour, Industrial and Trade Unions disputes, etc. – the Conciliator's office or the Industrial Arbitrator's office, as the case may be.
- Commercial disputes that are subject to arbitration agreements – The Arbitrator's office

It is worthy to note that all the above dispute resolution facilities or 'doors' are located within the same Court Premises, but it is the nature and facts of each case that would determine the facility or 'door' to which it would be referred.

4. Practice and Procedure of some Multi-Door Courthouses in Nigeria

Nigeria operates a Federal System of Government, thus, there are Federal and State Courts at the High Court Level. Each State Judiciary is autonomous thus the design and approach to CCADR are different in many ways; though similarities do exist. Here, we will discuss the three selected CCADR or Multi-Door Courthouses in Abuja (a Federal Court) Kano, and Anambra (State Courts).

4.1. Abuja Multi-Door Courthouse (AMDC)

The Abuja Multi-Door Courthouse (AMDC) is a Court connected initiative operating under the auspices of the High Court of the Federal Capital Territory Abuja. AMDC was formed on the 13th day of October, 2003. It is designed to complement the Courts conventional dispute resolution concepts⁸ The AMDC is the product of the Abuja High Court Judiciary and the commitment of the Chief Judge, Hon. Justice L. H. Gunmi, to the birth of an effective administration of justice in the Federal Capital Territory (FCT).⁹ It became the second Court Connected Alternative Dispute Resolution (CCADR) Centre in Africa after Lagos Multi-Door Courthouse established by the High Court of Lagos State on the 4th day of June, 2002. It was also facilities by the NCMG.¹⁰

The AMDC mission is 'to supplement the available resources for justice by providing enhanced, timely, cost effective and user-friendly access to justice.'¹¹ The objectives of the Abuja Multi-Door Courthouse are;

- (a) To provide enhanced, timely and cost-effective access to justice which could reduce or eliminate citizens' frustration;
- (b) To supplement the avenues for justice by making available additional doors through which disputes could be resolved;

⁶ For the application of the Multi-Door Courthouses in the Abuja and Lagos Jurisdictions, see Order 17 Rules 1, High Court of the Federal Capital Territory (Abuja) Civil Procedure Rules, 2004; Abuja Multi-Door Courthouse Practice Direction, 2003; Order 25 Rule 1 (c) and 2 (1), High Court of Lagos State Civil Procedure Rules, 2012; Lagos Multi-Door Courthouse Practice Direction, 2004.

⁷ C U Mmuozoba, *Civil Procedure Illustrated* (Enugu: Snap Press Nig. Ltd, 2015) 375 – 377

⁸ O O Goodluck, 'An Overview of the Modus Operandi of the Multi-Door Court Houses', in Aliyu Ibrahim, ed. *Alternative Dispute Resolution and Some Contemporary Issues*, (Zaria: Advocate Chambers Faculty of Law, Ahmadu Bello University, 2010) 259

⁹ Abuja Multi-Door Court House Practice Direction (AMDCPD) 6

¹⁰ O Koleoso, 'An Appraisal of the Law and Procedure of the Abuja Multi-Door Courthouse', in Aliyu Ibrahim ed (n.8) 385.

¹¹ *ibid.* 5

- (c) Develop the managerial judge's concept, to design how best settlement could be achieved among litigants and to utilize the immense resources of retired judges through services in mediation, arbitration and other ADR mechanisms.¹²

The Multi-Door concept refers to the alternative doors for the resolution of dispute at the Court house. Presently, the facilities available at the doors are early neutral evaluation, mediation and arbitration.¹³ The AMDC just like the LMDC is a Court annexed program that offers a variety of ADR processes. Cases are matched with an appropriate process and neutral.¹⁴ Here are some of the merits of using the AMDC as stated in its brochure;

- (i) It saves time and money by producing early settlements. Even where ADR does not produce an immediate settlement it can still produce savings by clarifying or narrowing the scope of the dispute.
- (ii) Flexibility- ADR offers greater procedural flexibility than litigation. Litigation focuses exclusively on the parties' legal right and responsibilities, while ADR can address legal obligation, it can also take into account a wide variety of non-legal interest and concern such as an interest in preserving a relationship, in having feeling acknowledged or in preserving similar disputes in future.
- (iii) Stress reduction and increased satisfaction- litigation can be highly stressful for the parties, lack of control over the process or the outcome, prolonged uncertainty and mounting costs, all contributed to this. Disputants who have used ADR processes such as mediation are generally satisfied with both the process and the results are more likely to abide by the terms of the resolution because they participated in formulating them¹⁵

The expected impacts of the operations of the AMDC are;

- i. Access to justice for all
- ii. Reduction in the case dockets of judges
- iii. Speedy resolution of disputes
- iv. Reduction in parties' expense and time
- v. Harmonious coexistence
- vi. Accommodation and tolerance
- vii. Restoration of pre-dispute relationships
- viii. Restoration of business relationship
- ix. Public satisfaction with the justice system
- x. Encourages resolutions suited to parties needs
- xi. Encourages voluntary compliance with resolution.
- xii. Encourages foreign investment¹⁶

Legal Framework for the AMDC- the practice and procedures of the AMDC are guided by the AMDC Practice Directions, 2003¹⁷ (hereinafter referred to as 'AMDC PD') enacted by the Chief Judge of the FCT in pursuance of the powers conferred on him by virtue of section 259 of the 1999 Constitution (as amended)¹⁸ The Practice Direction embodies the rules and regulatory procedures for the workings of the AMDC.¹⁹ It must be noted that the Abuja Multi-Door Courthouse has not been backed up by any legislation by the National Assembly. So there are no statutory provisions for the operation of the AMDC. The various Courts of the FCT have relied on equivocal provisions that support the ADR mechanisms. The Courts in the FCT judiciary are all empowered to promote reconciliation through ADR whether directly or indirectly in their respective constituting laws.²⁰ These Laws are considered herein. Order 17 Rule 1 of the FCT High Court Civil Procedure Rules, 2004 provides for the promotion

¹² Abuja Multi-Door Courthouse Mediation and Arbitration Rules, 2003.

¹³ Available at www.fcthighcourt.gov.ng/index.php accessed on 14th May 2023

¹⁴ A Guide to the Abuja Multi-Door Courthouse, Published by the AMDC. 2

¹⁵ *ibid.* 4

¹⁶ Abuja Multi-Door Courthouse Practice Directions, 2003, 9

¹⁷ This came into force on the 19th day of November, 2003. The LMDC Practice Direction was enacted in 2002

¹⁸ Section 274 of the 1999 Constitution (as amended) also empowers the Chief Judges of the various States to make similar rules.

¹⁹ O O Goodluck, (n 26) 259

²⁰ *ibid* 261.

and adoption of reconciliation and ADR and encouragement of same by the Court in the resolution of dispute.²¹ It provides for case referral to ADR Mechanisms that is, the presiding judge may refer matters before it subject to the consent of the parties²² Section 18 of the FCT High Court Law,²³ also provide that the High Court ‘may promote reconciliation among parties by encouraging and facilitating amicable settlement between them.’ Order 13 of the Area Court (Civil Procedure) Rules²⁴ empowers the Area Court Judge subject to the consent of parties to refer proceedings before it to arbitration. Section 26 of the District Courts Act provides that: ‘... so far as there is proper opportunity to promote reconciliation amongst persons whom the Court has jurisdiction, encourage and facilitate the settlement in an amicable way and without recourse to litigation of matters in difference between them. This provision seems to confer a very wide discretion on the district court judge in promoting reconciliation as his powers extend not only to proceedings before him but to persons within his jurisdiction. In the FCT, ADR Mechanisms are incorporated into the court system and process through the provision of the Rules of the Court. Thus, the AMDC is an integral part of the Federal Capital Territory Judiciary, through Order 17 of the High Court Civil Procedure Rules of the Federal Capital Territory 2004, which provides for Court referral to ADR Mechanisms. The AMDC is wholly funded and staffed by the High Court of the Federal Capital Territory. The AMDC has its own Mediation and Arbitration Rules, 2002 annexed to the Practice Direction. The AMDC Practice Direction will therefore be our basis in discussing the operations, structure and various options in the AMDC.

Initiation of Cases at the ADMC – The AMDC does not have a restricted jurisdiction on its subject matter. It accepts disputes in banking, maritime, energy, family, or matrimonial causes (excluding divorce), other commercial matters and some minor criminal cases.²⁵ The AMDC like the Lagos MDC also has their main ways or modes by which cases come to it. They are Walk-in, Court Referrals, and Courthouse Intervention.

Walk-in: Before initiating legal proceedings or even after doing so, a party may decide to opt for amicable settlement. It can voluntarily present the dispute to the Centre for resolution. Parties may also seek the service of the AMDC pursuant to an ADR clause in their contract.²⁶ The AMDC also welcomes walk-in cases when all or one of the parties and their lawyer or attorney agrees to come to the AMDC.²⁷

Court Referral: Order 17 of the High Court Civil Procedure Rules of the FCT empowers judges to refer matters pending in their Courts to be settled by ADR. Also Article 2.1 of the Abuja Multi-Door Courthouses Practice Direction, Provides thus:

Actions may be referred to the AMDC by any of the following:

- a. A presiding judge ordering and or referring an on-going case to the AMDC.
- b. Any of the parties to an agreement stipulating mediation, arbitration or any other ADR process in the resolution of their dispute.
- c. Any of the parties to a dispute, their counsel or DCR litigation at any time prior to or after the filing or commencement of an action in Court.
- d. The Director of the AMDC or the ADR judge inviting disputing parties to a meeting to explore options towards an amicable resolution of their dispute.
- e. Anyone with interest in a dispute and or belief that the AMDC could be beneficial to an on-going dispute or the parties.

It is also possible that the Courts can refer cases to the AMDC based on other, laws, rules and statutory provisions which empowers the Courts to promote reconciliation in deserving cases. An instance is section 11 of the Matrimonial Causes Act²⁸

²¹ O Koleosho, An Appraisal of the Law and Practice of the Abuja Multi-Resolution and Some Contemporary Issues, Essay in Honour of Hon. Justice Ibrahim Tanko Mohammed, JSC. Aliyu I. A ed (Zaria: Advocate Chambers, Faculty of Law, Ahmadu bello University, 2010) 385

²² *ibid* 261

²³ Cap 510, LFN, 2004

²⁴ Cap 477, LFN 2004

²⁵ O Koleosho, 385 – 386. Hon. Justice H. L Gunmi, Chief Judge of the FCT, had in 2009 Recommended the Use of Victim-Offender Mediation, Plea Bargaining and other Variants of Restorative Justice as a Tool for Reforming the Criminal Justice system in Nigeria. AMDC Newsletter, Vol. 11, 2nd Issue, 2009, 1, 3; AMDC Newsletter Vol. 13, 3rd Issue, 2010.

²⁶ *ibid.* 260

²⁷ AMDC Guide (n-) p. 3

²⁸ Cap M. LFN, 2004; O Goodluck, (n-) p 260.

Direct Intervention: By virtue of Article 2.1 (a), the director of the AMDC or the ADR judge may invite disputing parties to a meeting to explore options towards an amicable settlement of their dispute. According to the ADR Judge of the FCT, the AMDC is designed to intervene on its own volition to conflicts, where it is of the view that it would be in the interest of the overriding public to broker peace through any of its doors, but this facility has rarely been used.²⁹

Commencement and Conduct of Action at the AMDC

The process at the AMDC starts with a screening conference to be overseen by the Dispute Resolution Office (DRC).³⁰ Parties are expected to participate in good faith by being open about the substance of the case, procedure and dynamics. Thus, all matters discussed during this process will remain confidential. The statements made in the course of the ADR session are not admissible in evidence for any purpose.³¹ It is at this stage that the needs of the case will be determined and an appropriate mechanism of ADR will be selected. The parties may introduce names of neutral that may also be accepted by the AMDC upon confirmation that such a neutral possesses the necessary expertise and is acceptable to all the parties.³² Counsel may accompany parties. Parties representing corporations, partnership or other organization must have full written authority to settle the dispute failing which the ADR session will not commence.³³ Where a settlement is reached at the ADR Session, it is to be filed in the Court within 10 days of the agreement and appropriate steps taken to dispose of the action. If the settled dispute was not pending before a Court, the settlement agreement may be filed in Court as consent judgment.³⁴ The process must follow a rigid timetable as provided under the Practice Direction. By this, delay is prevented with the stipulation of a short duration of the process. It is worthy to note that by virtue of Article 5. 1 (c) of Abuja Practice Direction, ADR Neutrals who conduct the ADR Session are granted conditional immunity. Their immunity is contingent upon their compliance with the standard set out in the NCMG Code of Conduct for mediators/arbitrators. The parties sign an agreement in Form 5 indicating their acceptance and commitment to such confidentiality and immunity. Upon referral to any of the ADR sessions, the same shall be administered in accordance with the AMDC Mediation Procedure Rules (2003) or the MDC Arbitrator Rules (2003) as applicable.³⁵

Outcomes – ADR sessions often end up in settlement, but some cases do not settle. If parties are able to reach an agreement, the terms are reduced into writing to be signed by the parties and witnessed by their counsel.³⁶ If the matter was pending before the Court, the signed agreement must be filed in the Court registry within 10 days of the agreement and steps taken to dispose of the action³⁷ Where the matter is not a Court Referral (that is, a Walk-in or Direct Intervention), parties also have the option of getting their agreement endorsed by the ADR Judge as a consent judgment of the Court.³⁸

Article 6.3 of the Abuja Practice Direction provides that the settlement agreement is deemed to be an offer to settle which has been accepted within the meaning of Order 30 of the FCT High Court Civil Procedure Rules or any other rules for the time being in force.

Where parties are unable to reach a settlement, if it is a court referred matter, a certificate of inability to resolve (Form 6) together with the Director's report is put in the courts file.³⁹ Such cases may then be returned to the general causes list and proceed to trial.⁴⁰

Enforcement: The Practice Direction Provides that settlement agreements reached at the MDCH can be taken before the ADR judge to be made a consent judgment of the High Court.

4.2. Kano Multi-Door Courthouse (KMDC)

The Kano Multi-Door Courthouse (KMDC) opened on 20th January, 2009. It is a court connected alternative dispute resolution Centre located within the premises of the Kano High Court of Justice. Funding of the settling up of the

²⁹ O Goodluck, (n-) p.261

³⁰ Article 3 (g) of Abuja Practice Direction of 19th November, 2003.

³¹ *ibid*, Art 5

³² *ibid*. Art 10(2)

³³ *ibid*, Art. 4

³⁴ *Ibid*. Art. 6 (1) and (2)

³⁵ P D P. 26

³⁶ *ibid* Art 6.1

³⁷ *ibid*.

³⁸ Abuja Practice Direction Art 6.2

³⁹ *ibid* Art 6.4

⁴⁰ *Ibid*. Art. 7

KMDC comprised of N100 Million from the Kano State and N100 Million from the Security Justice and Growth Programme. The Justice Sector Reform Team, established in Kano State, identified various projects that required implementation within the State's judicial services, including the establishment of the KMDC. To date the Security Justice and Growth Programme (SJG) has contributed the following to the KMDC:

- Refurbishment of the KMDC office space including providing technical equipment, office equipment, and furniture.
- Training of staff and stakeholders in ADR processes.
- Computer equipment
- IT consultants and technical expertise
- Training and workshops for the senior staff of the KMDC in the construction of the Network of MDCs.
- Funding for initial research into the opening of the KMDC, including a business plan.

Aim of the KMDC is to provide easy access to justice, reduce Court congestion and to maintain cordial relationships amongst its users. The KMDC is underpinned by a legal framework, which lends it a legitimacy supported by the Kano High Court. Unlike other States where there is express mention of the Multi-Door Courthouses in their High Court Civil Procedure Rules, Kano State does not have a similar provision. Instead, the Kano Multi-Door Courthouse (KMDC) was established with the aim of supplementing the regular Court of arbitration, conciliation, mediation and other forms of dispute resolution as provided for by sections 22 and 116 of the Kano State Arbitration Law and Kano Multi-Door Courthouse Mediation and Arbitration Rules 2008.⁴¹ In its Multi-Door Mediation Rules, KMDC can entertain matters referred by the High Court of Kano State, the Federal High Court, Private Persons, Corporations, Public Institutions and Dispute Resolution Organizations.⁴² In what instance would another State High Court or Disputes Resolution Organization refer a case to the Multi-Door Courthouse? Though the KMDC Rules do not provide for this instance, this may happen where a neighbouring Court that has not established its own Multi-Door Courthouse decides to refer a case and where such referral would serve the interests of justice. But would a neighbouring State High Court want to refer a dispute because of the expertise which neutrals on the KMDC panel may have? The chance of this happening is very slim. In practice, Courts only refer cases where they do not have jurisdiction or where non-referral may prejudice one of the parties under the judicial principle of *forum non conveniens*. It is argued that rather than referring a case because of the expertise of a neutral, a neighbouring State High Court would prefer to invite such a neutral as *amicus curiae* to provide expert opinion. Such a neutral would not have the power of making a decision in a proper Multi-Door Court settling but would be a mere advisory neutral whose opinion may not be accepted by the Court.

The KMDC process initiation is similar to that of Abuja described above.⁴³ It starts with a screening conference which is expected to last between 30 and 45 minutes to determine the needs of the case. The goal of the screening conference is to resolve procedural problems and to discuss dispute resolution processes. If the parties choose mediation, for example, the process will be regulated by the Kano Multi-Door Courthouse Mediation and Arbitration Rules, 2008 and the equivalent where arbitration is chosen. Rules 15 (d) of it provides that if the parties reach a settlement, the parties on signing the settlement agreement become bound by the terms of the agreement. To make any settlement reached more binding on the disputing parties, two ADR judges must sign the terms of settlement. There is no clarification on whether the terms would be less binding if only one judge signs, nor on whether a party can refuse to abide by terms if no judge signs the terms. Kano House of Assembly on 11th August, 2022 passed the Kano State Multi-Door Court Bill of 2021. The Bill provides for alternative means of dispute resolution in the State. The majority leader of the house, Alhaji Labaran Abdul-Madari, disclosed this while addressing newsmen shortly after the plenary presided over by the speaker Hamisu Ibrahim Chidari in Kano. Abdul-Madari explained that the Law would go a long way in promoting alternative dispute resolution and decongesting Correctional Centers. He stated that Multi-Door Courts would be established across the metropolis and local

⁴¹The Kano Multi-Door Courthouse, the first in the North-Western region of Nigeria, was established by a legal notice by the Chief Judge of the State on 1st August, 2008 and was formally launched on 20th January, 2009.

⁴² Due to lack of public awareness, there were various misconceptions about the purpose of the KMDC. For example, it was regarded as a Court where children could take their parents when aggrieved or the controversial Child Right Act could be enforced. Now the KMDC has resolved dispute ranging from family and banking to maritime and employment issues. Within the first year of its operations, the KMDC received 135 cases which included 30 family related disputes, 20 monetary claims dispute, 16 debt-recovery cases, 15 cases relating to land disputes, 12 matrimonial matters, 10 cases of contract breach and 3 cases of defamation of character about 81% of these were walk-in cases, KMDC Newsletter 1 (3) (January 2011)

⁴³ R F Musa, KMDC Newsletter (January, 2011).

government areas to oversee civil cases. Criminal cases are excluded from the Multi-Door Courts⁴⁴ Presently, the Kano State House of Assembly has passed the State Multi-Door Court House Bill, 2021 into Law. The passage of the bill was sequel to deliberations by the lawmakers in the committee of the whole House on Wednesday, 17th August, 2022.⁴⁵

4.3. Anambra State Multi-Door Courthouse (AnMDCH)

The Anambra State Multi-Door Courthouses (AnMDCH) took off on the 5th of February, 2019 with the launching of Anambra State Multi-Door Courthouse Rules, the new High Court Rules, the renaming of the High Complex in the name of Hon. Justice. A. I. Iguh and the Willie Obiano AnMDC Office located at the judiciary headquarters. This unique endeavour was done under the auspices of Hon. Justice Peter. N. Umeadi, the Chief Judge of Anambra State Emeritus. However, the take-off of the said office has been an arduous one, as the then Chief Judge left office without the AnMDC being consolidated. Under the Hon. Justice Ijem Onwuamegbu administration, due to her short stay in office, they focused on perfecting the memorandum of understanding between the judiciary and the Nigerian Institute of Chartered Arbitrators. Though the Memorandum was not signed by then, however certain key factors were agreed upon. The Administration of the present Chief Judge, Hon. Justice Anyachebelu saw to the passing of the Law as he believed that, without a proper statutory backing of the Law, we would find ourselves in controversial and conflicting circumstances. To the Glory of God, the said law was passed and assented to by Governor Chukwuma Soludo. Be that as it may since the 5th of February 2019 when this office was declared open, there have been lots of bottlenecks, but in the midst of these challenges, we can boast of achieving the following:

- a. Training of lawyers in Anambra State.
- b. Training of DCRs Evaluation with regards to Order 4 of the new High Court Rules 2019.
- c. Industrial Attachment for students most especially, students who are studying conflict and peace resolution.
- d. Sensitization and creation of awareness amongst professionals, other than lawyers, whose skill we shall rely upon etc.

Nonetheless, one can boldly, say that there are enough hands to take charge in whatever capacity that is required to have efficient justice delivery, be it in the personal staff or the neutrals, as many of the needed assistance have undergone one training or the other since the 5th of February 2019. We may at this point, buttress the fact that the AnMDC Rule/Law is the only statute, that spread its wings to incorporate eight (8) doors and any other door that may be needed in settling of any conflict and or dispute. The said doors are, Arbitration, Early Neutral Evaluation, Mediation, Mediation- Arbitration (Med-Arb.), Private Judging, Mini Trial, Fast Track, and Conciliation. It is not in doubt that once the machinery of government declares the said office open to the public at large, we shall find ourselves eager to handle issues that bother on both civil and criminal justice. The criminal law taxonomy has developed analytical tool that relates to structure, content, stakeholders etc. the outcome which is what we see today in the justice mechanism. The comparative analysis highlights differences and similarity among various justice mechanisms, offers policy makers and criminal practitioners, important insights for referring different cases to various mechanisms. Examples of the mechanisms are; problem-solving Courts, diversion programs, restorative justice etc.

1. Restorative Justice: Typically brings victims and their perpetrators to meet together and discuss, often with the circles of support, the harm that the offence caused and the desired ways to address the needs that it created. Under Restorative Justice (RJ), the participants' concession is anchored on their deliberate agreement.
2. Community Court: This is problem solving Court model that emerged to address low level offenders; example of such Special Offence Court is Children, Sexual and Gender Based Violence Court manned by His Worship Genevieve Osakwe at Awka.
3. Arraignment/Hearing: The goal is to save time. We are all familiar with this. Be that as it may, I would say that the MDCH implementation is an everyday occurrence, because every lawyer and or professional needs to be endowed with negotiation skills, communication skills, ethics of the profession as such standards are demanded in today's justice delivery.⁴⁶

⁴⁴ Available at <https://sunnewonlinw.com/assembly-passes-kano-multi-door-court-Bill-2021/> accessed on 23/8/2023

⁴⁵ Available at <http://triumphnews.org/cnha-passes-multi-door-court-into-law/> accessed on 23/8/2023

⁴⁶ M Anyadiegwu, Implementation of Multi Door Court Houses System in the Contemporary Nigerian Society: Imperative for a Speedy Efficient Justice Delivery, a Paper Delivered at Crescent Spring Hotel, Awka on 16th Day of June, 2023

5. Conclusion

This paper appraised the practice and procedure of some Nigerian Multi-Door Courthouses namely; Abuja, Kano and Anambra Multi-Door Court centres. It also discussed how these centers have been established (their structure, their relationship to the courts to which they are connected and the panel of neutrals in these courts); what ADR options are provided and the laws and rules by which these courts operate. There are substantial similarities in the practice and procedure of the three MDCs. The three MDCs also provide similar ADR options to disputants and the scope of cases handled in these courts is also similar. It is worthy to note that despite the challenges to Multi-Door Courthouse practices, the scheme is fast gaining foothold in Nigeria since the Lagos Multi-Door Courthouse was established in 2002. Its rippling effect is seen by the proliferation of same in Abuja, Kano, Anambra, Borno and Akwa-Ibom. This paper concludes by making recommendations that the present position should be improved and also advocates for the adoption of Multi-Door Courthouses in all States of the Federation in Nigeria.