# RETHINKING MEDIATION ADVOCACY IN NIGERIA*

**Abstract**
*Mediation practice is increasingly being accepted in Nigeria as an appropriate mechanism for resolving disputes. While some jurisdictions have institutionalized mediation through the concept of a Multi-Door Court House, many others are at different stages of doing same. With these developments, it is obvious that Nigerians can no longer be indifferent about the understanding and practice of mediation. Lawyers should therefore adjust their stereotype approach of litigating almost every dispute and embrace mediation as a favourable alternative to litigation. The Nigerian Bar Association (NBA) and the judiciary have a heavy burden thrust on them to replicate the Multi-Door Court House in all the States of the Federation and to support and promote mediation advocacy. Mediation have become an inevitable, essential component of modern administration of justice system all over the world and Nigeria indeed cannot afford to be left behind. This paper therefore seeks to focus on what lawyers in Nigeria need to know about representing clients who are using mediation. In doing this, the paper shall redefine advocacy in this context.*

**Keywords:** Mediation, Alternative Dispute Resolution, Multi-Door Court House, Nigeria

## 1. Introduction

Mediation is the intervention in a negotiation or a conflict of an acceptable third party who has limited or no authoritative decision-making power, who assists the involved parties to voluntarily reach a mutually acceptable settlement of the issues in dispute[1]. In addition to addressing substantive issues, mediation may also establish or strengthen relationships of trust and respect between the parties or terminate relationships in a manner that minimizes emotional costs and psychological harm. A mediator is a third party, generally a person who is not directly involved in the dispute or the substantive issues in question. This is a critical factor in conflict management and resolution, for it is the participation of an outsider that frequently provides parties with new perspectives on the issues dividing them and more effective processes to build problem-solving relationship. For mediation to occur, the parties must begin talking or negotiating. Labour management must be willing to hold a bargaining session, business associates must agree to conduct discussions, governments and public interest groups must create forums for dialogue, and families must be willing to come together to talk. Mediation is essentially dialogue or negotiation with the involvement of a third party. Mediation is an extension of the negotiation process in that it involves extending the bargaining into a new format and using a mediator who contributes new variables and dynamics to the interaction of the disputants. Without negotiation, there can be no mediation[2]. It is very important to understand that one of the hallmarks of dispute resolution is its flexible nature. That is, dispute resolution is adaptable to the type of dispute being mediated and the personalities involved. In some respects, one of the great benefits of dispute resolution is that the disputants themselves are empowered to create a dispute resolution process that will assist them to resolve the dispute. Therefore, dispute resolution and, by association, mediation is not rigid in terms of its ability to change to the needs of the disputants.

## 2. Roles of Mediators in the Mediation Process

The mediator may assume a variety of roles to assist parties in resolving dispute. These are:-

a. The mediator is the opener of communication channels, who intimates communication or facilitates better communication if the parties are already talking;
b. The mediator is the legitimizer, who helps all the parties recognize the right of others to be involved in negotiation;
c. The mediator is the process facilitator, who provides a procedure and often formally chairs the negotiation session;
d. The mediator is the trainer, who educates novice, unskilled, or unprepared negotiators in the bargaining process;
e. The mediator is the resource expander, who offers procedural assistance to the parties and link them to outside experts, decision makers, or additional goods for exchange, that may enable them to enlarge acceptable settlement options;

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[1] Christopher Moore, *The Mediation Process: Practical Strategies for Resolving Conflict* (San Francisco: Jossey-Bass, 2003) p. 15
[2] *Ibid*

f. The mediation is the problem explorer, who enables people in dispute to examine a problem from a variety of viewpoints, assists in defining basic issues and interests, and looks for mutually satisfactory options;
g. The mediator is the agent of reality, who helps build a reasonable and implementable settlement and questions and challenges parties who have extreme and unrealistic goals;
h. The mediator is the scapegoat, who may take some of the responsibility or blame for an unpopular decision that the parties are nevertheless willing to accept. This enables them to maintain their integrity and then appropriate, gain the support of their constituents; and
i. The mediator is the leader, who takes the initiative to move the negotiation forward by procedural – or on occasion, substantive – suggestions[3].

**3. Mediation Advocacy**

Mediation Advocacy is the technique of presenting and arguing a client's issues, position, and interests in a non-adversarial way. If the history of the civil / commercial mediator market in Nigeria has any lesson for representatives, it is not to sell mediation advocacy as new market, but as a new specialist skill within the existing dispute resolution market. This would avoid the difficulties in market share and the uneven distributions of work associated with the nascent market, and hopefully, prevent a pyramid structure developing. Of more importance is to identify a clear distinction between the services offered by the mediator and the role of the mediation advocate[4].

Mediation advocacy therefore recognizes the following:-

i. The negotiated outcome to a dispute is usually more satisfying, more effective, more workable, more flexible and more durable than an order imposed by a court or other tribunal.
ii. The parties to a dispute should control its process and its outcome.
iii. The parties to a dispute should be assisted by their professional representatives or advisers in coming to a settlement that both deals with all matters in issue and also meets their true needs and wider interests.
iv. Parties to a dispute should have regard to helping the opposite party secure its needs while at the same time preserving their own.
v. Mediation is not soft option for the advocate. The skills required may be equally forensic, but they are very different from what is needed in the courtroom or at trial[5]. They have a subtlety that needs to be addressed. If you do not know what you are doing, your client will be at a considerable disadvantage and you will come unstuck[6].

**4. The Roles of Advocates in Mediation**

Unlike the representative function of counsel at a trial, the mediation advocate is not present principally to convey his client's case to the mediator and the other side. Many practitioners who wish to undertake more mediation activity follow the same trend as mediators. They engage in field of dreams marketing, hoping that work will turn up; they associate themselves with panels and training providers. They offer pro bono work in the community sector. They wait for referrals from other lawyers; many lawyers like to refer mediation work to others because that is the dispute resolution world they know best. Even if you are a litigator, it is going to take a long time to build a full time practice that way. As a mediator, waiting for your national, regional, and local mediator or professional practice associations to educate the public and create work for you is not an attractive option. Most practitioner associations do not have enough resources to make this a reality in the near future and it is debatable whether that should even be their job. The mediation advocates should stop waiting for someone else but start creating their own reality, in just the way they expect their mediation clients to take responsibility for their own lives, behaviours, and decisions. Market the process and their expertise positively, and start right now. The mediation advocates should talk up the concept, and base their mediation practice in their own strength and the kind of tasks they enjoy, build on what they already know and value in order to do the work they want. That notwithstanding, the hereunder are the roles of the mediation advocates:-

i. Properly prepare for the case;
ii. Client's Adviser (Mindset: The dispute is problem to be solved and not conflict to be won;
iii. Support of client throughout the negotiation process;
iv. Protection of client's best interest;
v. Constant evaluation of client's case and its progress in the mediation. (Constructive problem-solving approach);

[3] Ben Uruchi Odoh, *Alternative Dispute Resolution in Nigeria*, (Germany: LAP Lambert Academic Publishing, 2014), p.78
[4] Ibid @ p.169
[5] Andrew Goodman, *Mediation Advocacy (Nigerian Edition)*, (United Kingdom: XPL Publishing, 2010), p.1
[6] *Ibid*

vi. Stand up to an over-zealous mediator, when necessary;
vii. Presentation of argument or support of decision makers in joint session;
viii. Helping client keep his / her tempers under control and never to walk away;
ix. Educating the mediator on what needs to be done to satisfy each side;
x. Knowing the documents;
xi. Drafting the settlement agreement; and
xii. Know that the basis of the conflict is an object of discussion rather than a partisan contest…[7]

**5. The Hallmarks of Mediation**

The philosophy of mediation revolves around five hallmarks that have set mediation apart from any other curial or non-curial form of dispute resolution. These are:-

**Confidentiality:** Mediators are bound not to discuss with other people what is revealed to them in mediation unless such revelations are agreed to by the participants or compelled by a court order or statute[8]. In this respect, mediations are generally conducted behind closed doors with no observers from the public unless the disputants agree to such a presence. Generally, there is no transcript of proceedings and any notes taken by the mediator are generally destroyed at the conclusion of the mediation. Confidentiality arises in a number of ways in mediation. It may arise throughout the course of the mediation where disputants may discuss certain issues in separate session with the mediator that is not to be revealed to the other disputant. The only exception to this is where the disclosing disputant gives permission for the mediator to divulge such information. If mediators divulge such confidential information, they risk losing the confidence of the disputants as we as having committed a major breach of their ethical duty towards the disclosing disputant. It is important to note that if there is no guarantee of confidentiality in mediation, then disputants may not be willing to discuss certain information that could assist in the discovery of interests and BATNAs and this would seriously undermine the prospects of resolution and therefore the value of mediation[9].

**Voluntariness:** Another of the hallmarks of mediation is its voluntary nature. That is, disputants should come to mediation on a voluntary basis and not be forced into participating in the process. The reason voluntariness is a hallmark of mediation is that if the disputants come to mediation of their own volition, then it is assumed that they are more committed to the process of seeking a non-curial resolution of their dispute. In this respect the disputants will be more committed to participate in good faith and to find and implement a settlement of their dispute. David stated:

> Experience has shown that willingness to negotiate and to bargain in good faith is the decisive factor in whether a case is suitable for conferencing or mediation. The experience of the Commonwealth Administrative Appeal Tribunal is that: 'No dispute whether before the Tribunal or elsewhere is incapable of resolution if all the parties want to resolve and want to participate in the process of exchange of information permitting the generation of settlement options'. All cases are suitable so long as parties are committed to finding a solution to their problem[10].

Mandatory ADR or mediation removes the willingness element of the process and does not give the disputants the appropriate motivation to settle. Not only does this factor affect the rate of settlements but also, most importantly, the rate of effectiveness of settlements. That is, whether settlements last until implementation and finalization.

**Empowerment:** There is a popular belief amongst those involved in mediation that it is a process that empowers disputants by allowing them to control the process and the outcome. Mediation is empowering because it is a voluntary process and that the fact that the parties are in mediation means that they have chosen to take responsibility for working on their own solutions[11]. In this respect, mediation is said to the disputants the power to deal with the dispute on their own terms as opposed to having a resolution imposed on them by a third party. Mediation allows disputants to become involved in the resolution of their own dispute by contributing to the outcome.

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[7] Ibid, @ p. 11
[8] Jay Folberg, *Comprehensive Guide to Resolving Conflict without Litigation* (San Francisco: Jossey Bass, 1984) p. 264.
[9] Abuja Multi-Door Court House Mediation and Arbitration Procedure Rules, (Practice Direction), 2003, r.15
[10] J. David, 'Designing a Dispute Resolution System' (1994) *ICDRJ* 26 at 32-33
[11] A. Davis & R. Salem, 'Dealing With Power Imbalances in The Mediation of Interpersonal Disputes' (1994) *MQ*, 26, p.9

**Neutrality: -** The penultimate hallmark of mediation is said to be that the mediator is a neutral third party to the dispute. Neutrality, in this sense, relates to the mediator being neutral to the outcome of the dispute. In considering the process of mediation, it could be said that mediators have considerable power in mediation and that there is the potential for mediators to not always exercise that power in a neutral fashion.

**The disputants' own solution:** - The final hallmark of mediation is said to be that the disputants fashion their own solution to the dispute, and in this way they are more committed to its good faith implementation. The importance of disputants being able to decide on the outcome of their dispute is enormous. Not only does mediation allow for settlements that may be outside of the range of remedies offered by curial dispute resolution, but it allows the disputants to reject proposed settlement options that do not satisfy their interests.

**6. Phases of the Mediation Process**

Although there is no standard form of procedural rules regulating mediation proceedings, as a matter of practice, the process of mediation involves different stages. Essentially, there are six phase/stages in the mediation process:

**The Preparation phase: -** This phase refers to the work done before the mediation day and before the mediation setting[12]. It is the duty of the mediator at this phase to know who is coming for the session and such person must have the requisite authority. It is also important to know whether parties' lawyers or other supporters will be coming so that adequate preparation can be made for extra attendees. Preparations made will include fixing date and time for the session, getting the venue ready for the comfort of the parties,

ensuring that all documents have been processed and served where necessary and if appropriate, fees paid as well as studying the statements of the parties[13].

Prior to the commencement of the mediation, mediators should require the disputants to enter some form of mediation appointment agreement that should cover, amongst other things: -

a. How the mediator is to be determined and a mechanism should the parties not agree;
b. The amount and payment of the mediator's remuneration;
c. The basic procedures to be observed in the mediation;
d. Confidentiality of the contents of the mediation;
e. An exclusion clause excluding the mediator from liability;
f. An indemnity, indemnifying the mediator against any claim relating to the mediator's performance;
g. The requirement of the disputants that they send a party with the authority to settle the dispute, and
h. Committing any settlement in writing[14].

The disputants should be required to sign such an agreement and, given the confidentiality agreement contained within most mediation appointment agreements, any non-disputant party attending the mediation would also be required to sign the agreement.

**The Opening Phase**: Once the disputant has committed to mediation, the mediator has been selected, the disputants have given the mediator a statement of issues on the subject of the mediation and the appointment agreement has been signed, then mediation can proceed. As previously stated, mediators are largely responsible for the process, whilst the disputants are largely responsible for the outcome. Therefore, the mediator should arrange suitable facilities, such as chairs, tables, whiteboards, audio-visual equipment and refreshments once the disputants arrive, the ensure that the disputants are acquainted with each other if they have not previously met, and with other people attending the mediation such as lawyers, accountants, other experts and *Mckenzie Friends*[15], - a person who a court will generally allow to assist an unrepresented person by quietly giving advice. After making the disputants comfortable in the venue, the mediator should commence the mediation by making an opening statement. The opening statement is an important step in the mediation process[16]. It is a time for the disputants to understand the process of mediation and ask any questions about how the mediation will operate and their role in it. Also, it is a time for the mediator to instill some confidence in the disputants by showing them that there is a process at hand which will give them the opportunity to resolve the dispute, and that the mediator is a competent person who understands the mediation process and can help the parties work their way through it to a potentially successful outcome. In the opening statement, the mediator should explain the procedures of the mediation that will include:- The parties making an opening statement, the seeking of common ground; separate

[12]Joli Harriman, 'The Place of Positive Non-Verbal Communication in Mediation' in: IA Aliyu, (ed.) *Alternative Dispute Resolution Contemporary Issues and Some* (Zaria: M.O Press & Publishers Ltd, 2010) p. 249.

[13] *Ibid*

[14] *Ibid*

[15] *McKenzie v. McKenzie* (1970) 3 All ER 1034

[16]A standard opening statement must contain introduction of the mediator; establishment of the mediator's impartiality and description of his credentials; explanation of the role of the mediator and the mediation process; and explanation of the ground rules that will control the conduct of the mediation session.

meetings with disputants, shuttle negotiating between the separated parties; final joint meeting; committing the settlement to paper; and practical implementation of the settlement. The parties make their opening statements at this stage. The mediator should impose no time limit on the disputant's opening statements, unless the parties have agreed on strict time limits because of other commitments. After one disputant has made an opening statement, the mediator should allow the other disputant to make his or her opening statement. The other important element for the mediator in this opening stage of the mediation is to start understanding what the positions and the interests are of each of the disputants. This will prove invaluable for the next phase in the mediation process.

**The Exploration Phase:** This is the phase where the mediator begins to find out the real issues between the parties which may not be anything close to what is contained in their statements of issues or the positions they stand on[17]. At this early stage of the mediation, the parties should be cognizant of their own and the other disputant's positions, but they will have little appreciation of or understanding of the differences between a position and an interest. Therefore, it falls to the mediator to try and elucidate the interests of the parties. In this respect, the mediator not only acts as mediator for the disputants, but as an educator. That is, the mediator educates the disputants in principled negotiation by explaining the difference between positions and interests. Depending on the nature of the issues to be determined, the mediator may consider the necessity to caucus with the parties or continue in a joint session. Where caucusing is adopted, the mediator must assure the part in caucus that whatever he says is held in confidence and he must also assure the party waiting that he will be given equal opportunity to caucus.

**The Negotiation Phase:** The line between the exploration stage and the negotiation phase is a thin one and it is important that the mediator knows exactly at what point to move from exploration to negotiation. The negotiation stage may involve a series of private sessions and then a joint session to enable points agreed to be noted or to make parties themselves make an offer of settlement, if necessary, the mediator should encourage direct conversation between the parties. Sitting back in the seat in silence may encourage both parties to talk to each other. The parties should work through each of the issues raised on the agenda and generate a variety of ideas and solutions to address each issue. The mediator should assist the parties to reality test their ideas and alternatives so that they can craft a workable and mutually agreeable solution[18]. It is useful to write down a summary of agreed points either on paper but preferably on a flop chart for all to see. Writing on a flip chart will show the seriousness of the situation.

**The Conclusion Phase:** At this stage it is clear what the parties have agreed on. This should be read out from the recording sheet or flip chart. It is also clear what the areas of agreement between the parties are. For emphasis, the mediator would read out the areas of agreement for the parties to affirm or correct and a successful completion of this brings the parties to the last phase which is the settlement.

**Settlement:** When the mediator has negotiated with the disputants to the point of agreement on a range of options that will constitute the settlement and has reality tested those options so that the disputants are ready to formalize their agreement, the mediator should convene of final joint meeting. At this meeting, the disputants finalize the settlement and discuss any out-standing small issues yet to be canvassed in the separate sessions[19]. At this end, if parties arrive at a settlement, this will be reduced into writing for parties to execute. Until then nothing is binding and the parties are free to exit the process. The agreement should be read out and if possible, typed there and then for the parties to execute. However, a lawyer may be asked to formally prepare one for parties to sign.

**7. Models of Mediation:** Mediation models are hereunder:-

**Facilitative Model:** One of the key factors in mediation models is the notion of decision making. In facilitative mediation, any decision making is left to those involved, the mediator has no decision making authority. This is based on the belief that the people involved in the situation have the best understanding of what they need for themselves and from each other. Facilitative mediation helps parties in a conflict make their own decisions, in the belief that such decision will have the best fit and therefore be highly sustainable. The mediator offers a structured process for the parties to make best use of in seeking mutually satisfactory solutions[20].

**Evaluative Model:** Evaluative Mediators are usually legal practitioners, often with an expertise in a particular area of law relevant to the conflict. They will provide the parties with an evaluation of the strengths and weaknesses of their case with respect to their legal positions. If asked they may also advise as to a likely outcome

[17] Ben Uruchi Odoh, *lo cit*, p.12
[18] Ben Uruchi Odoh, *loc cit*, p. 12
[19] Christopher Moore, *loc cit,* p. 18
[20] Ben Uruchi Odoh, *loc cit*, p. 90

at court. They may also offer direction towards settlement options. There is a strong drive towards equitable settlement as an efficient and economical alternative to legal measures.

**Transformative Model:** Transformative Mediation is a much less structured approach that focuses on two key interpersonal processes empowerment and recognition. A transformative mediator aims to empower the parties involved to make their own decisions and take their own actions. They also work to foster and develop recognition for and between the parties. This is an organic process and highly responsive to the parties' needs. The parties are very much in charge of both the content (the substantive issues) and the process, and the mediator works to support both as their conflict unfolds and the process and relationship builds[21].

**Narrative Model:** Narrative mediation takes a very different stance to conflict. Focusing less on negotiation and more on how people make sense of the world. By telling stories of events and by giving meaning to these events people construct their reality. People in conflict will tell conflict stories that help them make sense of the situation, the other person and themselves. Conflicting stories can be limiting and paralyzing. Narrative mediators believe that for every conflict story there is an alternative story that can make co-operation and trust more available. Narrative mediators help parties rewrite new and more constructive stories.

**8. Common Causes of Mediation Failure**

Mediation is one of the most efficient ADR processes used by the World over and it has recorded substantial success story. However, mediation fails sometimes. The following are some of the factors responsible for failure of mediation processes:-

a. Where a party entered into the process not with genuine intention to settle but for purposes of stonewalling;
b. Lack of adequate mediation skill on the party of the mediator and this includes:
    i. Lack of preparation;
    ii. Lack of good communication skills;
    iii. Inability to break deadlock;
    iv. Failure to take firm control of the process;
    v. Poor listening skill;
    vi. Inability to identify the real interests of the parties;
c. Where a party who came into the mediation process has no authority to reach settlement;
d. Unwillingness of either or both parties to submit relevant documents or other materials necessary for the process;
e. Impatience;
f. Failure to cross check confidentiality;
g. Getting into negotiation state in a hurry;
h. Where the settlement reached is unworkable;
i. Where the mediator shows bias; and
j. Where a party suggested mediation to the other party, so that there is no trust or confidence in the process abinitio[22].

**9. Keys to Successful Mediation**

Mediations are funny things. Sometimes the parties scratch, claw, fight, attack and hammer each other, and move at glacial speed. Other times they quietly proceed, dance a minute and reach agreement at warp speed. The funny thing is that mediation works in both situations. Mediations work because the parties want them to work. here are some of the things that are important to the success of a mediation[23]:

a. A positive state of Mind: The parties should enter the mediation process with the idea that the case can be settled. If their attitudes are negative and expectations low, the mediation does not have much of a chance to succeed.
b. Good Faith: "Good faith" is an amorphous term that means different things to different people. What it essentially means is that the parties enter into the mediation process seriously, with adequate resources to resolve the case, and negotiate in a reasonable manner.
c. Adequate Authority: Mediation cannot work if persons with adequate authority to settle the case are not physically present at the mediation. Frequently, claims representatives appear at mediation with authority to settle the case within a pre-set limit. Sometimes there is no claims representative or client present. In such cases those present at the mediation must either negotiate within the pre-determined limits or

[21] Ibid
[22] Ben uruchi Odoh, *op cit,* p. 34
[23] Ibid @ p. 38

communicate by telephone with those with higher authority. This is an unsatisfactory situation. It is important to decide exactly what it means to have "adequate authority" to settle a case. Most defendants interpret it to mean authority to settle within the plaintiff's last settlement demand. Although neither of these interpretations is satisfactory, frequently cases are settled in an amount beyond the claims representative to someone with higher authority.

d. Flexibility: Negotiating environment can change quickly. New facts are brought, a different spin or emphasis is placed on known facts, or new legal arguments may be raised. Any of these developments can change the mediator's perspective during mediation. For that reason it is important to be flexible and to adjust negotiating strategy accordingly. Parties who are inflexible can, oddly enough, be successful but only a lower percentage of the time. Parties who are most successful are skilled at adjusting and expecting the unexpected.
e. Realistic Expectations: Mediations get off to a rocky start when the parties have unrealistic evaluations of the case. If a party insists on a settlement value outside the range of similar verdicts and under similar legal conditions, such a party may be in for a rude awakening during the mediation. Both the mediator and the adversary will attempt to persuade the party that their evaluation is out of line[24];
f. Preparation:- On some occasions the expectations are unrealistic because the lawyer has misevaluated the case. The misevaluation can occur for many reasons, such as a weak grasp of the facts or unpreparedness; successful parties are usually well prepared parties. They know their case inside out and can present their positions effectively;
g. Effective Negotiation Strategy:- There are many ways to mediate a case. An important step in the process is to adopt an effective negotiation strategy. This requires an assessment of the likelihood of success at trial, a consideration of the forum and trial judge, the general litigation environment, the presence or absence of insurance coverage disputes, an awareness of the limits of insurance coverage, and many other factors, such an analysis should result in a better understanding of the "big picture" and a detailed definition of the client's goals and objectives;
h. Willingness to Listen and Heed:- Even well prepared parties need to be able to listen to other views, including the mediator's and other parties' view. The worst mistake one ca make is to put on blinders and not see the warning signs ahead. The mediation process is designed to provide the information one needs to negotiate on an informed basis. One must heed what one has heard and put the ego aside[25]:
i. Effective Negotiation Tactics:- Effective negotiation tactics are necessary to implement the strategy, such tactics can include the following:
    i. encourage the other side to move by making bold moves without showing weakness;
    ii. putting on the brakes and signaling the other side that no further big moves will be made until there is some reciprocity;
    iii. tit for tat moves, in which one party moves in virtually the same amount as the other party (carefully, this can also work against you);
    iv. being resolute and taking a hard line (without being abusive);
    v. 'Pointing to a number' by signaling a probable settlement range or number;
    vi. Diffusing anger and emotion with expressions of remorse and apologies.
j. Avoid of Ineffective Negotiation Tactics:- It is equally important to avoid ineffective negotiating tactics such as the following;
    i. Threatening or insulting the other side;
    ii. Overplaying one's hand by turning a position of strength into abusive opening conduct;
    iii. Unreasonably high opening demands;
    iv. Unreasonably low opening offers;
    v. Refusing to response to a proposal and demanding that the other side bod against themselves; and
    vi. Making the other lawyer "look bad" in front of the client[26].

## 10. Conclusion

Mediation advocacy is more than simply arguing a client's case. It involves putting the client's case as persuasively as possible; both to the other side and to the mediator. It is the finding of this paper that the tendency by legal minds to try to reason out mediation skills from litigation and adversarial mindset is a major challenge to unlocking the potentials of mediation in justice administration. It is our further finding that while there is no doubt about the general categorization of mediation, local circumstances are still stumbling blocks to its operations. People still believe in getting appropriate justice through litigation and not mediation. This

[24] Ben Uruchi Odoh, *opcit,* p. 40
[25] Ibid @ p. 44
[26] Retrieved April 20, 2020, from< www.library.findlaw.com> accessed on April 20, 2020.

paper recommends that mediation advocates must create and consider imaginative solutions that should hopefully enable their clients reach satisfactory resolutions. It further recommends that mediation advocates should have precise knowledge of the details of their clients' case so as to be in a position to address any point decisively that arises throughout the mediation process. Fundamental to the mediation is the advocate's control over the process and its outcome. This is necessary to ensure the clients arrive at a settlement which not only deals with all matters in issue but also meets their needs and interests. The advocate should also be a crucial source of support and guidance to the client in what is a stressful and unusual situation. Finally, this paper recommends public awareness of mediation. Disputants do not know how to access mediation with or without a lawyer. It is suggested that Mediation Centers including the Multi-Door Court Houses need to engage in more publicity so that members of the public can easily access them. This challenge can be drastically reduced if legal practitioners can educate their clients on the availability of mediation. It is also suggested that mediation advocates and ADR Centers should also join in creating awareness to the public on the issue.