Sink or Swim: Evolving a Broader Definition of Courts Through the Multi-Door Approach to Dispute Resolution and the Implications it has for Traditional Court Systems

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This article comprises three parts. The first part addresses the Nigerian Court system, detailing the hierarchy of courts that make up our legal system or as the topic suggests the traditional court system.

The second predominantly dwells on the introduction of the Multi- Door court system into our judicial landscape, and the uniqueness of its operation.

The third offers my analysis, based on my experience as a court administrator on whether, with the introduction of the Multi-Door system we have swam or sank, and my advice to other judicial systems that are yet to imbibe the ADR culture.

In Nigeria we had a very interesting history of dispute resolution as it existed before the modern day courts. Prior to colonial rule, like in most other African societies there existed dispute resolution systems recurrent in most Nigerian cultures. This traditional approach to dispute resolution was a multi- faceted one. Comaroff and Roberts identified four options for dispute resolution in most of these settings[1].

The disputants would usually make personal attempts to resolve the issues in dispute. This process can best be described as Negotiation. If this fails, then the assistance of a senior kinsman is sought to help parties mediate. Parties could also seek to have the benefit of the intervention of a clan head or the headsman of a neighborhood in continuation of the process. If the disputants are yet unable to settle, then the authority of the chief/king or his designate is resorted to for a final and binding decision (Arbitration).

This known judicial system was completely changed with the advent of colonial rule and introduction of the modern court system. It was replaced by an adjudicatory judicial structure designed to address the disputes of litigants and also provide appellate opportunities for those not satisfied with court decisions.

As at today, The **SUPREME COURT OF NIGERIA** is the apex court in the hierarchy of courts in Nigeria. It consists of the Chief Justice and such number of Justices of the Supreme Court not exceeding twenty-one as may be prescribed by an Act of the National Assembly[2]. While the Supreme Court is generally a court of appellate jurisdiction, it is also conferred with an original jurisdiction in any dispute between the federation and a state or between states if and in so far as that dispute involves any question (whether of law or fact) on which the existence or extent of a legal right [3] depends. Next in line is the **COURT OF APPEAL.** It consists of a President and such number of Justices of the Court of Appeal not less than forty-nine of which not less than three shall be learned in Islamic Personal Law and not less than three also learned in Customary Law.[4] Like the Supreme Court, it is also a court of appellate jurisdiction with original jurisdiction. Sec. 239 (1) confers it with original jurisdiction in certain circumstances (i.e. Presidential Election Petitions).

There is one Federal High Court[5] . The Federal High Court was first established by the Federal Revenue Court Act of 1973 and known under that statute as the Federal Revenue Court. It was restyled the Federal High Court by section 230 (2) of the Constitution 1979 a nomenclature adopted by the 1999 constitution. Section 251 of 1999 CONSTITUTION vests the Federal High Court with jurisdiction inter –alia ; revenue of government, taxation of companies and other bodies established to carry on business in Nigeria, customs and excise, banking, banks, other financial institutions etc.

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[1] J.L. Comaroff & S. Roberts; Rules and Process: The Cultural Logic of Dispute in African Context. University of Chicago Press, 1981

[2] Section 230(2) Constitution of the Federal Republic of Nigeria 1999(1999 Const)

[3] Sec. 232 (1) 1999 Const.

[4] Sec. 237 1999 Const.

[5] See generally SS.249-253 of the Constitution 1999

On the other hand, there are The State High Courts and the High Court of the FCT.
Under 1979 Constitution, the State High Courts were courts of unlimited jurisdiction and as such any matter could be commenced there.[6]

Under 1999 Constitution the Jurisdiction of the State High Court is limited by section 251 of the Constitution, which confers exclusive jurisdiction on the Federal High Court in certain matters.

These are courts of general and wide jurisdiction limited only by provisions of the constitution that expressly exclude or curtail their jurisdiction.[7]

Other Courts recognized by the constitution include the **SHARIA COURT OF APPEAL.** The Court shall in addition to any other jurisdiction as may be conferred upon it by a Law of a State exercise appellate and supervisory jurisdiction in civil proceedings involving questions of Islamic Personal Law (See section 277 (2) 1999 Constitution for matters the court can adjudicate upon). They relate to marriage, family relationships, gift, wills, guardianship of infants, succession, maintenance or guardianship of a physically or mentally infirm Muslim. The Court also has jurisdiction on any question where all the parties are Muslims and have elected that the case be determined in accordance with Islamic personal law.

Section 280 (1) of the 1999 Constitution provides that there shall be for any state that requires it a **CUSTOMARY COURT OF APPEAL**. It consists of a President and such number of Judges as may be prescribed by the House of Assembly of a State. The President and Judges are appointed by the Governor on the recommendation of the National Judicial Council.

In addition to we also have Magistrate Courts, Area Courts and Customary Courts. Though not courts of record, they also assist in the daily dispensation of justice.

As much as these courts try daily to efficiently dispense justice, in Nigeria like everywhere else, certain dissatisfaction against the court system had brewed over time. This was as a result of the inability of the court system to provide users with justice that was fast, efficient and cost effective. It is characteristic for trials to continue almost unending leaving parties impoverished in the process. Relationships were broken and alliances ruined. I must point out that the reason was not that Judges were not working hard enough- infact, they are most times overstretched. The reason was simply that the growth in awareness of citizens of their rights[8] and the rapid expansion of business led to an avalanche of cases the adversarial system was not prepared for. The concern over delays in the justice process has even prompted doubts over the wisdom of adversarial ethics, and invited suggestions of importing inquisitorial elements in litigation. It has been rightly pointed out by one writer that, ***"The traditional adversary process was never primarily motivated by the desire to avoid delaying justice. It was propelled by other forces which had little, if anything, to do with ensuring that the general public could obtain quick access to, and speedy relief from, the courts of law."***[9]

The traditional adversary process may work well in less litigious societies but certainly cannot survive the modern, fast-paced world we find ourselves in. As more laws are created to regulate the increasingly complex social framework, caseloads are constantly rising and there is resulting pressure on the courts to perform efficiently. As society now demands more of the justice system, the modern judiciaries have to find their new niche while not acting beyond their constitutional role and functions.

Further stating this fact, The United Nations Development Programme (UNDP) in a 2004 report indicated that the justice system is frequently weakened by: Long delays; prohibitive costs of using the system; lack of available and affordable

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6 section 236 CFRN 1979.

7 See generally SS.255-257 (for FCT) and SS.270-274.

8 Especially with the enthronement of Democracy in 1999

9 Jeffrey Pinsler "Reforms in Civil Procedure: An Analysis of the Amendments to the Rules of Court" in Review of Judicial and Legal Reforms in Singapore between 1990 and 1995 (1996) at pg. 6-7)

legal representation that is reliable and has integrity; and weak enforcement of laws and implementation of orders and decrees. Furthermore the report noted as a challenge, severe limitations in existing remedies provided either by law or in practice. Most legal systems fail to provide remedies that are preventive, timely, non-discriminatory, adequate, just and deterrent. Formalistic and expensive legal procedures (in criminal and civil litigation and in administrative board procedures). Ultimately, would be court users avoid the legal system due to economic reasons, fear, or a sense of futility of purpose.[10]

At this point I will share with you a classical example of the frustrations faced by litigants in their quest for a just and speedy determination of matters they are involved in. the case is ***Emeka Nwana V. Federal Capital Development Authority.*** [11] Mr. Nwana was a staff of the Federal Capital Development Authority (FCDA) from May 1982 to 11th April 1989 when his appointment was terminated on the grounds that he had absented himself without leave and putting up fraudulent claims for journeys he never embarked upon.

He sued the FCDA at the High Court of the FCT in 1989. Being dissatisfied with the judgment of the High Court delivered on Tuesday, 12, November 1991, he appealed to the Court of Appeal and that court delivered its judgment on Monday, 10th January 1994. A close consideration of the judgment of the Court of Appeal revealed that vital documents were not forwarded to it and it all the same went ahead to determine the appeal after formulating a lone issue for determination not in any way related to the issues for determination filed before the court. The appeal was thrown out and obviously aggrieved by this decision, Mr. Nwana appealed again to the Supreme Court.

While allowing the appeal and setting aside the decision of the Court of Appeal via a judgment delivered on the 27th of April 2007, the Supreme Court remitted the case back to the lower court to be heard *de novo*.

Re-tracing the history of this case would reveal that it had gone on a long and tumultuous journey from the High Court to the Supreme Court spanning about 18 years. Here is a man, whose appointment was determined, bearing the brunt of the litigation process for 18 years, bearing the cost of the process and not to talk of man-hours both sides lost over those years. I ask you, is that justice, bearing in mind the weather beaten adage; justice ***delayed is justice denied***?

This case typifies what people suffer in courts daily not because Judges have not lived up to expectation, but mainly because the process is adversarial, inflexible, fraught with technicalities and above all the shear number of cases in the dockets of courts.

Having taken you back on that 18 years journey, I yet take you back another 33 years to 1976 to trace the origin in modern times of a spirited attempt to provide succor to an ailing judicial system then in America but minded that what the American judicial system faced then was not different from what we were confronted with and the same also applying to most jurisdictions of the world. Recall that it was in an attempt to address these challenges that in April of that year[12] at a national conference in honour of Dean Roscoe Pound on the popular dissatisfaction with the administration of justice, Professor Frank Sander of the Harvard Law School delivered an address on the "varieties of dispute processing". In that address Sander's proposed solution of a dispute resolution center offering a panoply of dispute resolution services addressed two main concerns or causes for the dissatisfaction. First, matching dispute resolution mechanisms to the individual character of the dispute and secondly reforming the systems of court and their procedure. Furthermore, his fundamental suggestion and the one that is of lasting importance to us was to explore alternative ways of resolving disputes to the adversarial , litigious procedure and to institutionalize the alternative dispute resolution processes in a single resolution center . Sander was considered to develop a system of justice that was most effective in handling the full suite of disputes that came before the courts. This necessitated first addressing the characteristics of the various dispute resolution processes and secondly developing criteria for allocating various types of disputes to different dispute

10 Access to Justice : UNDP Practice Note -9/3-2004

11 Nwana V. F.C.D.A. (2007) 11 NWLR 59

12 6th-7th April, 1976

resolution processes. [13] Sander reminded conference participants of the limitations of traditional litigation with it's "use of a third party with coercive power, the usually 'win or lose' nature of the decision, and the tendency of the decision to focus narrowly on the immediate matter in issue as distinguished from a concern with the underlying relationship between the parties." He urged conference participants to envision alternatives, a "rich variety of different processes, which, I would submit, singly or in combination, may provide far more 'effective' conflict resolution." and he reminded them of "the central quality of mediation", namely "its capacity to reorient the parties toward each other, not by imposing rules on them, but by helping them to achieve a new and shared perception of their relationship, a perception that will redirect their attitudes and dispositions toward one another."[14]

In summary, Sander imagined a courthouse where there will be several dispute resolution 'doors' and that each case will be diagnosed and referred to an appropriate 'door' or mechanism best suited to its resolution. The special feature of the concept is the diagnostic stage in the process, which is called Intake Screening and Referral.[15] This address by Sander over thirty years ago could be said to have effectively laid the foundation for the integration of Alternative Dispute Resolution (ADR) into the court system and the institutionalization of Multi-Door Courthouses.

The Multi-Door Concept in Nigeria

The first multi-door courthouse in Africa, the Lagos Multi-Door Courthouse (LMDC) was established in Lagos, Nigeria on June 11, 2002. This was done via collaboration between the Negotiation and Conflict Management Group (NCMG) and the High Court of Lagos State. The High of Lagos provided space while the NCMG and the Law firm of Aina, Blankson & Co. funded the project.

Sixteen months later on October, 13 2003 we established the Abuja Multi- Door Courthouse (AMDC) in the Federal Capital Territory, Abuja. It was officially commissioned by the then Chief Justice of Nigeria.[16] The AMDC is wholly funded and staffed by the High Court of the Federal Capital Territory.[17]

Commencement of Action at the AMDC[18]

STAGE 1

1) Request Form **(Form 1)** is filled and filed at the AMDC by the initiating party, attaching a brief Statement of Issues (4 copies).[19]

2) Within 7 days of filing a Request Form at the AMDC, Notice of Referral is sent to the other party (ies) by the ADR Registrar along with a Submission Form **(Form 2),** Memorandum to Parties **(Form 3)** and a copy of the Applicant's Statement of Issues.[20]

3) Within 7 days, the Responding party/ies is/are to return the duly completed Submission Form to the AMDC, indicating submission to the ADR processes and certification to the receipt and understanding of the Memorandum to Parties. Four (4) Copies of the Respondent's brief Statement of Issues is to be attached.[21]

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[13] Hon. Jus. Brian J.Preston: The land and Environmental Court of New South Wales: Moving towards a Multi- Door Courthouse.

[14] See also: L Ray & A. Clarke 'The Multi Door Courthouse idea: Building the Courthouse of the Future ... Today' (1985) Journal on dispute Resolution Vol. 1:1 7.

[15] This process will be explained in the course of this paper.

[16] www.amdcng.net

[17] Other states in Nigeria that have followed fast on the heels of Abuja and Lagos include Kano and Akwa-Ibom

[18] For the purposes of this paper we will consider the procedure at the AMDC

[19] Article 2.2 (a) & (b) of the Practice Direction (PD) of the Abuja Multi-Door Courthouse, the ADR Centre

[20] Ibid (c)

[21] Ibid (d)

STAGE 2

4) The ADR Registrar confirms receipt of the Statement of Issues between parties. Thereafter, Intake Screening is carried out and a pre-session meeting may be convened with the Dispute Resolution Officer (DRO). Here, the process is explained, issues clarified, interest identified and an ADR process agreed upon.[22]

At this stage, the DRO provide the parties with a Confirmation of Attendance Form **(Form 4)** and a Confidentiality Agreement Form **(Form 5**), which are to be filled and signed by the parties. Also the bio-data of the recommended neutral (Mediators or Arbitrators) are given to the parties so that they can select the neutral of their choice.[23]

STAGE 3

5) An ADR Session is scheduled tentatively, and a Notice sent to the Mediator or Arbitrator along with the Disclosure Form.[24] The Mediator or Arbitrator is to reply to the Notice within 7 days accepting or declining his nomination with the duly completed Disclosure Form returned to the ADR Registrar.

6) A Mediation or Arbitration session is convened.

The AMDC process starts with a Screening Conference, which serves as the primary diagnostic tool to determine the needs of each case. An experienced Dispute Resolution Officer (DRO) conducts the conference, which takes about 30-45 minutes. The conference is confidential. Parties or counsel must be prepared to discuss case substance, procedure and dynamics.

The goal of the Screening Conference is to resolve procedural problems and to discuss dispute resolution processes.

The screener reviews the full range of AMDC dispute resolution options, helps the parties decide how the case should proceed, and explains the scheduling. The screener usually makes a recommendation, but the parties and their counsel always have the final decision.

If the parties decide to participate in one of the ADR options, the screener presents the list of Neutrals and or may assign a neutral based on his or her content-area, expertise and the dynamics of the case. The selection is subject to the approval of all parties.

What Kind of Cases Does the AMDC Handle?

Whether it is a commercial, employment, Banking, Maritime, Energy, a family or business dispute, the AMDC provides clients and their attorneys with effective alternatives for resolving disputes.

Cases come in to the AMDC in several ways and at any stage of litigation, or even before the filing of a lawsuit. Cases may be referred by judges or selected randomly from the cause list of the courts.

The AMDC also welcomes walk-in cases when all or one of the parties and/or attorneys agree to come to the AMDC or there is a provision for arbitration or any ADR process in an agreement.[25]

Relationship with Court Process

[22] Article 3.1 & 3.2 Op cit
[23] Ibid 3.3
[24] Ibid at page 11, paragraph 5
[25] Ibid See generally pp 10-13

The main reason why Multi- Doors are set up is to encourage the practice of Alternative Dispute Resolution (ADR) within the Court system. It is therefore impossible to look at the Multi- Door concept without mentioning ADR. In the following couple of paragraphs, I have tried to look at the relationship between ADR[26] and court process, as it affects our jurisdiction. It might be instructive to look at what the law says;

Section 18 of the High Court Act,[27] states'

> ***Where an action is pending, the Court may promote reconciliation among the parties thereto and encourage and facilitate the amicable settlement thereof.***

The law therefore enjoins the courts to promote ADR. The problem before now has been lack of a forum or a structured process through which the court will achieve its mandate as stipulated in the Act. Again, the new[28] High Court of Lagos State (Civil Procedure) Rules 2004[29] provides in Order 25, Rule 1that,

"(1) Within 14 days after close of pleadings, the claimant shall apply for the issuance of a pre-trial conference Notice as in Form 17.

(2) Upon application by a claimant under sub-rule 1 above, the Judge shall cause to be issued to the parties and their legal practitioners (if any) a pre-trial conference notice as in Form 17 accompanied by a pre-trial information sheet as in Form 18 for the purposes set out hereunder:

(b)giving such directions as to the future course of the action as appear best adapted to secure its just, expeditious and economical disposal;

(c) Promoting amicable settlement of the case or adoption of alternative dispute resolution.[30]

The above provision of the Law, in the two jurisdictions in which the Multi-Door courthouse operates, has been highlighted to show that the law already envisages reconciliation of interests[31] as against determination of rights.

Agreements reached in the course of mediation can be endorsed as consent judgment. We have an ADR Judge who facilitates this

Furthermore, as The Chief Judge of the High Court of the FCT, Abuja pursuant to S.259[32] of the Constitution of The Federal Republic of Nigeria 1999 I had designed the Practice Direction of the AMDC, which contains the rules that will guide proceedings at the Centre. As stated earlier, these rules show that ADR was meant to be part and parcel of court process. The problem was that before the advent of the Multi-Door Courthouse, there was no forum for the attainment of what the law envisaged. Interestingly, with the innovations introduced so far, the query as to the relationship of ADR with Court Process does not arise.

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

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[26] The Multi-Door Courthouse specifically

[27] CAP. 510 Laws of the Federation of Nigeria, 1990, See also Section 26 and 27 of the District Court Act, Cap 495. Sections 82 through to 88 provide specifically for Officials, Special Referees and Arbitrators. See also Order 19 of the High Court of the Federal Capital Territory, Abuja (Civil Procedure Rules) Act Cap 511 Laws of the Federation of Nigeria 1990.

[28] These rules commenced on the 4th of March, 2004

[29] As contained in the High Court of Lagos State (Civil Procedure) Law 2004

[30] Emphasis is that of the author.

[31] This is exactly what a court-annexed ADR program is designed to do.

[32] The Practice Direction of the AMDC was made pursuant to Section 259 of the 1999 Constitution.

With the launch of a Multi- Door courthouse in Abuja, I cannot say we have swam successfully to the promised land but we surely have remained buoyant. In the last six years the; AMDC has taken its own fair share of the judicial load entertaining an average of over a hundred cases in each legal year with a settlement rate of about 70%. In this legal year alone, we have received matters from almost every conceivable genre and a tabular representation is presented below.

CASES RECEIVED 2008/2009 LEGAL YEAR

CATEGORY	**%**
Commercial Contracts	50
Land Disputes	20
Matrimonial Causes	10
Accident Claims	3
Tenancy	10
Banking	3
Labour	4
TOTAL	**100**

This breakdown shows that while a majority of the matters are commercial contracts, increasing use of the Multi-Door to resolve other category of disputes is on the increase.

The inevitable conclusion I draw from this is that for any Judicial System to effectively cross these waters and assume the status of a modern court having the ability to uphold the age long tradition of effectively dispensing justice, that court must adopt a broader definition for itself. That definition would be in line with the thinking of Prof. Sanders. This new and emerging modern definition of courthouses should ginger courts to search for ways to contain escalating legal cost of proceedings while providing access to justice for all users of the system.

An abiding attraction of the Multi-Door concept and the prominent processes it offers is that the parties retain control at all times; a benefit the conventional court cannot offer. A blend of litigation and ADR under one roof now gives parties the opportunity of choosing from a rich menu of resolution processes including litigation.

Worthy of note is also the fact that the multi- door gives parties the chance to reach decisions themselves. Apart from Arbitration where an enforceable award is delivered, the other processes of negotiation, mediation and conciliation all have parties driving the resolution process until they arrive at an agreement. Because the agreement is theirs and not handed down by a third party, they find it easier to keep thereby obviating the need for appeals.

I'm sure many of us here have presided over cases where for years the main actors in the dispute did not have the privilege of airing their grievance. The court is called upon to hear one motion after another and this vicious cycle of motions , counter motions and appeals continue until one of them is wearied out or the res is completely extinguished . At a Multi- Door, the parties have a chance to air their grievances in a relaxed atmosphere. The emotional comfort of being allowed "to have a say" is incalculable and proceedings are confidential.

While courts determine issues in dispute and controversy between parties, it has never been the preoccupation of courts to consider the relationship of parties. Restoration of pre- dispute relationship is a cardinal focus of a multi- door courthouse. Parties in dispute must have had a relationship and a successful ADR session culminates not just in a wise and efficient agreement suited to parties' needs but also one that parties are comfortable with in addition to restoring their pre -dispute relationship as my next example will show.

With the kind permission of the parties involved I reproduce in brief a matter resolved after just three hours of mediation at the AMDC. This matter had been pending in court for six years.

It was between a teacher and one of his former students. The teacher had sold a plot of land to one of his former students and after the transaction had been perfected; a second plot of land bigger in size was allocated at another location based on the first allocation which was cancelled. Both laid claims to the second allocation and were in court for six years. The court referred the matter to the AMDC and both parties appeared before a mediator. In the course of mediation it became apparent that the underlying dispute was the fact that the student had called his former teacher a cheat. This matter was resolved by a mere apology.

Another point that is particularly interesting to note is that most matters are even settled at the pre- session stage. The Dispute Resolution Specialists who conduct the pre-session are also trained mediators and can lead parties towards settlement in the course of a pre- session if an opportunity presents itself. It would interest you to know that from the settlement rate of 70%, 50% of the cases are actually settled at the pre- session and only twenty percent actually proceed to Mediation or Arbitration. This further reduces the expected time of resolution from three months to one month.

The cumulative effect of this analysis is simply a reduction in the case dockets of judges, speedy resolution of disputes, reduction in parties expenses and time and increased Public satisfaction with the justice system as our testimony at the AMDC has established.

We have faced some challenges in this pursuit and I cannot guarantee that should you choose to follow in our footsteps you will not face same.

For instance, we initially at inception came against a brick-wall in the Bar. It is only natural that people fear what they do not know. A conservative Bar with a high majority schooled only in adversarial litigation perceived the philosophy of the Multi-Door as an attempt to deprive them of their means of livelihood. Patient education, one-on-one meetings, workshops and seminars were some of the strategies we devised to assuage some of the misgivings lawyers initially had. Though these apprehensions still exist in some quarters, it has been reduced to muffled murmuring incapable of causing any collateral damage.

The voluntary nature of the ADR though in some quarters is an advantage has been turned into a disadvantage by many. We have had instances where parties outrightly refuse to come to the MDC while other times they come but refuse to corporate by the good faith use of ADR. We are working at going round this hurdle and I think adopting the option of the courts in England sound like a more viable option.[33] A party who refuses to explore this option could be made to face uncomfortable cost consequences.

Conclusion and Opinion

If I may at this point take you back to the topic, which court system will swim or sink? It is my submission that the one that has expanded the menu it provides by displaying an interesting and rich array of alternatives thus making it not just a court but a Center of effective dispute resolution (where disputes are matched with appropriate processes)[34] will swim to victory while others sink. It has been said over and over again and I agree that the people do not present lawyers with problems to be litigated. Far from it. They present them with problems they want resolved. We in the judiciary need to take the frontline charge in ensuring that we provide avenues within our courts for the resolution of disputes not just litigation. In most societies, the initiation of legal proceedings marks the beginning of a life long enmity between the parties and in extreme cases even future generations. A popular Yoruba[35] adage maintains that "***we do not come back from court and remain friends".*** The attempt here is not to castigate litigation or paint it as an inactive alternative in dispute resolution. However where it is the only option for resolving disputes then the mono- door is prone to face the challenges of congestion, escalating cost, and incapable of meeting the challenges of modern day business related disputes where

[33] Dunnet v. Railtarck

[34] Some now prefer to refer to ADR as Appropriate Dispute Resolution

[35] The Yoruba people live primarily in southwest Nigeria and eastern Benin and speak Yoruba, a Niger- Congo language. **Source: Microsoft ® Encarta ® 2008.**

time is of the essence and a reconciliation of the interests of disputants is key as against a mere determination of who is right or wrong.

The Multi–Door concept presents an opportunity for the public justice system to provide access to a wide variety of options for resolving disputes. Some of these processes could be adjudicatory in nature to service those clients for whom confidentiality is a key factor but who in the same breath want to marshal evidence and engage in discoveries. This aptly captures the Arbitration process. Conversely, other process may solely rely on the desire of parties to reach an agreement by themselves through the facilitation of a neutral third party (consider mediation / conciliation). Whatever the process chosen, an abiding attraction of the Multi- Door approach to dispute resolution is that parties have a say in the process and are involved in the flexible, economic and rich array of processes it provides. Customer choice is respected.

Further, courts are expected to provide and enhance access to justice. Access to justice in this sense must be given a wide and broader definition and not the restrictive definition of guaranteeing access to judges, lawyers and a judicial forum. It should be defined within the context of justice that is dispensed speedily, efficiently, cost effectively and in a user friendly environment. Unfortunately the traditional court system cannot always guarantee this.

Effective access to justice is one of the fundamental conditions for the establishment of the rule of law as well as a just and egalitarian society. Any judicial system that is unable to provide it has failed completely in its responsibility as a bastion of hope. In the past, the right of access to judicial protection meant essentially and almost exclusively the aggrieved individual's formal right to litigate or defend a claim, defined in strictly legal terms. A broader view of what is going on behind such claims, which characterizes ADR (as epitomized in the Multi- Door concept) , opens new pathways to resolving disputes, relieving the overcrowding that makes court cases unnecessarily slow.

In particular, a Multi-Door Courthouse providing ADR services is of significant importance to justice systems when effective establishment of alternative means of dispute resolution can significantly reduce the number of minor disputes before the civil courts, helping to improve the availability of judges for cases which must be tried.

The Abuja Multi- Door was founded on notions of greater access to justice for all, improved satisfaction with dispute resolution processes, and meaningful choices for resolving disputes in mutually satisfying ways. What we visualised and are now reaping from is a Multi-Door Courthouse, with doors swinging wide open revealing a broad range of dispute resolution processes, where disputes could be efficiently addressed through the mechanism best suited for the parties and the issues involved. Our experience has shown that users are usually more satisfied with the outcomes because they are at most times on the driving seat of the resolution process ; crafting their own solutions and outcomes to meet the peculiar needs of their disputes. In this regime, there is the need "to reserve the courts for those activities for which they are best suited and to avoid swamping and paralyzing them with cases that do not require their unique capabilities".[36]

The Multi- Door concept represents the future of the practice of law in Nigeria and everywhere else. It is a step in the right direction. The Courts of today must be armed with all the tools necessary to provide qualitative service to clients. As mentioned earlier, if the only tool a carpenter has is a hammer, he tends to see every problem as a nail. Well, we have to acquire more tools if we are to be master craftsmen rather than mere joiners of wood. For us, a Multi-Door has guaranteed the availability of these tools.

Finally, it is my hope that the day will come when every court will be an Effective Dispute Resolution (EDR) Centre with a mechanism for the resolution of every dispute that might be referred to it. In conclusion, I note that the problem with the justice system; the delay; the congestion and the loss of confidence has nothing to do with either the existing physical structures or paucity of judicial officers; rather it has everything to do with, as Harvard Law Professor Frank Sander said, "the forum not fitting the fuss".

[36] http://www.multidoor.org