

## DISPUTE RESOLUTION PROCESS

The following are the description of processes to be followed for Litigation and ADR matters.

### ***Cases Instituted against the Bank***

- A. All court documents and originating processes should be forwarded to the Team e-mail (or to Legal Helpdesk).
- B. Legal Helpdesk to forward all correspondences on the cases to the Chief Legal Counsel/Head, Legal for appropriate action. Periodic report on the bank's litigation status should be forwarded to Management by the Head, Legal through Chief Legal Counsel.
- C. Upon receipt of the originating process, the Head, Legal assigns the task to a Legal Officer
- D. The Legal Officer shall initiate a review of the case advising Management on strategies to be adopted along with the chances of success of each strategy and a recommendation for nomination of counsel; and pass to the Head, Legal for further review. For routine cases, such as erroneous transfer, garnishees, the legal officer may select a solicitor from the approved list of solicitors and recommend for approval.
- E. Upon satisfactory review of the case and negotiation of fees, the memo for approval for appointment of counsel and strategy is presented by the Legal Officer, through the Head of Legal to the Chief Legal Counsel for consideration and approval (Where the fees payable are above the Chief Legal Counsel's limit, the approval of Executive Management is sought and obtained).
- F. Legal Officer then refers the originating process and statement of claim to the department or branch directly involved for comments on the averments therein and obtain all relevant information on the case and examine options on how best to defend the bank.
- G. Legal Officer vets the statement of defence to ensure that all relevant points of defence have been stated.
- H. Legal Officer shall brief an approved solicitor and follow-up with the solicitor to ensure that all relevant processes are duly filed and obtain copies for the bank's records (Legal Officer to ensure that Solicitor provides updates in writing of all adjournments of the Court). Legal Officer may request / assist the department or branch involved to nominate a staff conversant with the facts to represent the bank at the impending trial and make arrangements to ensure the bank's representative attends pre-trial briefings with the solicitors in conjunction with a Legal Officer.

- I. Legal Officer may be required to attend court proceedings for cases adjudged material (high profile cases, sensitive cases raising reputational risks etc) by the Head of Legal and/or the Chief Legal Counsel
- J. Legal Officer shall keep independent record of every court proceeding, obtain a formal update from the solicitor and provide the Head, Legal with an update on the events in Court (All new developments should be referred by the Legal Officer, to the Head, Legal for review before submission to Chief Legal Counsel)
- K. Legal Officer shall monitor the case and inform Management through the Head of Legal and Chief Legal Counsel of the court's decision.
- L. If the bank loses the case, Legal Officer shall (under the supervision of the Head, Legal) examine possibility and / or necessity of appeal and make recommendations to Management through Chief Legal Counsel on the next line of action.

***Cases instituted by the Bank***

- A. Examine the facts thereof to determine if the Bank has a cause of action to prosecute.
- B. Legal Officer shall obtain all necessary information from the relevant department or branch to undertake a review and prepare an opinion
- C. The Legal Officer shall initiate a review of the case advising Management on strategies to be adopted along with the chances of success of each strategy and a recommendation for nomination of counsel; and pass to the Head, Legal for further review
- D. The Head, Legal review and provides his/her concurrence or otherwise, determines the materiality of the case. Once satisfied, he/she then passes it for approval.
- E. Upon satisfactory review of the case and negotiation of fees, the memo for approval for appointment of counsel and strategy is presented by the Legal Officer, through the Head of Legal for approval.
- F. (Where the fees payable is above the Chief Legal Counsel's limit, the approval of Executive Management is sought and obtained).
- G. Legal Officer shall brief the approved solicitor by the Head of Legal to file a memorandum of appearance within the stipulated time and vet the originating process and statement of claim.
- H. Legal Officer may request the relevant department/branch to ascertain the staff to give evidence and ensure that the said staff attends pre-trial

briefings with the solicitors (Legal Officer to attend pre-trial briefings with the bank's representatives).

- I. Legal Officer shall monitor each step of the case and attend all adjournments of the Court and keep a record of all Court proceedings.
- J. Legal Officer shall (under the supervision of Head, Legal) inform Management of the court's decision.
- K. If the court's decision is in favour of the Bank, the Legal Officer under the supervision of the Head of Legal will ensure the judgment is enforced, save where there is an appeal.
- L. If the decision is not in favour of the Bank, immediately examine the possibility and necessity of appeal and advise management through the Head of Legal.
- M. Legal Officer shall implement management decision

### **Legal Opinions**

- A. Upon request from departments or branches of the bank, examine the legal position and provide advice, depending on complexity after conferring with the Head of Legal.
- B. For medium to complex matters, forward a written opinion to Head, Legal for quality control before circulating to BU or branch.
- C. For highly complex, sensitive and high-profile matters, the opinion is sent to the Chief Legal Counsel through Head, Legal for comments.
- D. Forward written opinion to the originating department or branch through the Head of Legal and Chief Legal Counsel; and if by email with Chief Legal Counsel and the Head of Legal must be in copy.
- E. Copy of the opinion should be filed by the Legal Officer in customers file physically and / or electronically.

### **Post-Litigation Matters**

If judgment is in favour of the bank:

- Prepare a memo to notify the Chief Legal Counsel through the Head of Legal of the outcome of the litigation and
- Proceed to levy execution / or undertake other judgment enforcement procedures

If judgement is not in favour of the bank, prepare a memo to notify the management through the Head of Legal and Chief Legal Counsel.

***Payments on Enforcement Initiatives by the Group***

- A. Legal Officer should forward the original cheques received through its solicitors to Finance Operations Group at the Head Office (or Recovery Unit / Relationship Management Team as the case may be) and keep copy for records
- B. Make photocopy of deposit slip/cheque and file a photocopy of cheque and deposit slip in the customer's case file/filings could be done electronically
- C. Advise the management by memo through the Head, Legal attaching deposit slip and photocopy of cheque.

***Complaints Management / Alternative Dispute Resolution***

- A. Receive verbal or written complaint from the requesting unit and/or letter(s) from complainants; send a holding response pending investigation.
- B. Obtain material information from the affected branch or BU. Where deemed necessary, refer the matter to internal audit for investigation
- C. Review facts/report and recommend resolution strategy to the Head of Legal;
- D. Legal Officer and Head of Legal attempt settlement for non-contentious cases and thereafter seek approval of the Chief Legal Counsel and the BU/Branch/Management for the settlement terms. The support of the BU/branch representatives would be support as required in the negotiations.
- E. For complex, sensitive or material cases/complaints, the Legal Officer shall make recommendations to the Chief Legal Counsel through the Head, Legal on a resolution strategy/option.
- F. Negotiate with complainant to settle the matter (Method of negotiation depends on the issue and must be done in a manner that is legally acceptable).
- G. Prepare a memo to notify the Chief Legal Counsel through the Head, Legal of the outcome of the negotiation.
- H. If negotiation with complainant result in settlement and an agreement / terms of settlement is required, perform the following tasks:
- Prepare the agreement / terms of settlement
  - Obtain approval for the terms of settlement
  - Execute the agreement / terms of settlement and obtain complainant's signature
  - File terms of settlement in court, where necessary
  - File agreement / terms of settlement in the case file

- I. If negotiating with the complainant does not result in settlement, matter may be resolved through other dispute resolution methods.

***Probate Searches/Verification of Court Orders***

- A. Legal Officer receives request for searches on letters of administration or court orders in respect of deceased customers from the originating branch or unit
- B. Legal officer is to ensure that the account is well funded to cover the search fee and advise the originating branch or unit to move the fee into the appropriate account for payment
- C. Legal Officer assigns the request to a competent solicitor recommended by the Head, Legal to conduct the search
- D. Upon receipt of the search report from the solicitor, scanned copy of search report will be forwarded to the requesting branch
- E. If the search report is unfavourable, advise the branch stating the reason and the bank's next line of action
- F. Legal Officer updates Schedule of Probate Search showing customer's names, account number, domicile branch, assigned solicitor, date of request to solicitor and status of request
- G. Save a soft copy of the search report to the Group's sharepoint page
- H. Advise Finance & Performance Management and or the necessary branch to debit for payment of the solicitor upon approval

***Support on Regulatory Matters***

- A. Upon request, provide opinions on enquiries / demands from law enforcement agencies with respect to a wide range of the bank's activities, including the Police, tax authorities, Independent Corrupt Practices Commission, Economic & Financial Crimes Commission
- B. Legal Officer may nominate solicitors (subject to concurrence of Head Legal to accompany staff (in conjunction with Compliance Officers in the Law Enforcement Unit of the Bank) to honour invitations from law enforcement agencies.

***Treatment of Garnishee Orders/Mareva Injunctions***

- A. All Garnishee Orders and Mareva Injunctions should be forwarded to the Team e-mail (or to Legal Helpdesk) for all Lagos Regions or email address of physical offices for up-country branches.

B. Upon receipt of the Garnishee Order/Mareva Injunction the order is assigned to a Legal Officer.

C. The Legal Officer ensures that necessary steps are taken to comply with and manage all Garnishee Orders/Mareva Injunctions and other injunctive court processes / orders served on the Bank in collaboration with Internal Stakeholders.

D. For Garnishee Orders, upon receipt of the Garnishee Order Nisi, the Legal Officer sends an e-mail to Operations Group requesting the following:

i. Confirmation of whether the Bank maintains any accounts in the name of the Judgment Debtor(s)/Respondent(s).

ii. Where an account exists, Operations Group directs the branch in which the account is domiciled to place a lien on the credit balance(s) in the account(s) of the Customer/Judgement Debtor and sends the statement of account to the Legal Officer.

iii. Operations Group instructs that the Branch to inform the Customer/Judgement Debtor that the relevant account has been placed on lien in compliance with the Garnishee Order Nisi.

E. Thereafter the Legal Officer forwards the Court Order and the Certified Statement of Account to the Bank's External Solicitor to enable the Solicitor file the Bank's Affidavit to Show Cause.

F. Where no account exists in the Banks Database, belonging to the Judgment Debtor(s) / Respondent(s), the Legal Officer shall ensure that this is reflected in the instruction conveyed to the External Solicitor.

G. Legal Officer shall follow up with assigned solicitors to obtain periodic updates on matters and ensure the schedule is promptly updated from time to time.

H. Upon conclusion, the Legal Officer receives discharged order and ensures full compliance with the terms of the Garnishee Order.