



NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS WAY,
JABI, ABUJA
FACULTY OF LAW
2020_2 EXAMINATION

COURSE CODE: PPL517

COURSE TITL: ALTERNATIVE DISPUTE RESOLUTION I

TIME ALLOWED: 3 HOURS

Instruction: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)

1. Vera and Chalis had no original intention of adopting ADR to resolve their business dispute if any at the time of commencing their joint business. However, when dispute arose few years after the commencement of the business the High court of Obodo where the dispute was filed by Chalis referred them to Obodo mediation centre. Chalis has refused to attend the mediation and has come to you for advise. Using the case of Hasley V. Milton Keynes General NHS Trust advise her on the implications of her action. Also, when will Mediation as an ADR method not be suitable.

1(b). Mr Martins is a big time customer of Omega ventures Ltd. Omega ventures used to assist Mr Martins with delivery of the goods at no extra cost. To reciprocate Mr Martins buys about N3m worth of goods every week. However with the COVID -19 pandemic Mr Martins requested to be supplied only 500,000 pieces every week but Omega ventures will prefer Mr Martins to now either arrange for the delivery of the goods or pay for the delivery. Recently they have a problem in agreeing on this issue of settling the bill of the delivery and their businesses have been put on hold pending resolution of this problem. Omega ventures wants to use Mediation to resolve the impasse but Mr Martins feels differently. Using the case of Egan v Motor Services (Bath) Ltd discuss the issues the panel will consider in determining whether Mediation should be preferred.

2. Peter and Paul are partners in a company that has franchise for the production of coca cola drink in Italy. Each partner handles an aspect of the production and marketing. Recently Paul began to feel that he can far better alone and so wanted the partnership to be dissolved. Each party may decide to stay if he can get a better deal from the partnership. Paul has requested you to explain the

negotiations strategies to be able to have a favourable concession and a successful negotiation.

3. Susanne thought that she has invested so much time and money in her ten years partnership business with Blossom that she is entitled to a bidder share of the equity if Blossom decides to leave the business. On the other hand Blossom being a good marketer believes that her marketing strategies has garnered enough goodwill for the company and so should get a better deal than Susanne. Both parties do not want to make the case public. Discuss the sources of power that each Negotiator would deploy and why. (15 Marks).
3. (b) Can the parties employ the mini-trial system to resolve this dispute and why;
4. Write short notes on any three of the following;
 - i. Discuss the Effectiveness of the Arbitration and Conciliation Act 2004
 - ii. An examination of the Multi-door courthouse
 - iii. Analysis of the Negotiation process
 - iv. The Chartered Institute of Arbitrators
5. Fred has a trade dispute with his Irish partner Jack who lives in Nigeria over the nature of goods supplied to him. Jack has never had any problem with Fred until the last delivery which turned out to be 'not fit for purpose'. The defect in the goods can only be detected by an expert in this area of technology which Fred is not. Jack has already broken the tamper proof seal on the package containing the items which means that no other customer may buy the items. Considering the amount of money involved the parties are tempted to go to court but for fear that this may negatively affect their business prospects. Which of the ADR processes would you recommend for them and why.
6. Discuss the relevance of mediation and conciliation in the ADR system.