



NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW, DEPARTMENT OF PRIVATE AND PROPERTY LAW
Plot 91, Cadastral Zone, Nnamdi Azikiwe Express Way, Jabi – Abuja
2022_1 POP Examination...

COURSE CODE: PPL517

COURSE TITLE: ALTERNATIVE DISPUTE RESOLUTION I

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 AND ANY THREE (3) OTHER QUESTIONS. QUESTION ONE CARRIES 25 MARKS, OTHERS CARRY 15 MARKS EACH.

1. Cherish has over the years been the sole financier of his company until recently when he met Betty. He sought Betty's hand in marriage but she turned him down. To make her happy he made her a partner in his business. Betty dated him for almost a year but as the relationship went sour Betty wants to leave him. Betty thought that she has invested so much time and energy in her two years partnership in the business and that as a renowned marketer she is entitled to a sizeable share of the equity if she decides to leave the business. On the other hand Cherish being a good marketer believes that his entrepreneurial strategies has garnered enough goodwill for the company and that Betty has not really contributed much to the growth of the business. Both parties do not want to make the case public. Discuss the sources of power that each negotiator would deploy and why.
 - (b) Can the parties employ the mini-trial system to resolve this dispute and why?
2. Discuss the relevance of mediation and conciliation in the ADR system
- 3a Using the case of *Egan v Motor Services (Bath) Ltd* discuss the issues the panel will consider in determining whether mediation should be preferred.
- b. What are the functions of the Chartered Institute of Arbitrators?
- c. In your opinion what are the merits Of Multi-Door Courthouse

4. Melinda has a reputation for supplying rare and quality flowers. Melinda and Sharon have been trade partners for some years although their partnership agreement contains no *Scot v. Avery* clause. Due to Covid 19 Pandemic their mode of supply, delivery and payment was changed such that Sharon had to make payment to Melinda before deliveries were received. Melinda was not aware that Sharon has missed some supplies until 6 months after when they were reconciling accounts. Sharon has an outstanding 10 million naira worth of flowers to collect. The lockdown caused a delay in the arrival date of the supplies and death of the flowers. Each party believes she is not at fault. Sharon wants Melinda to replace the flowers but Melinda insists that she didn't cause the delay or death of the flowers. Both are already in court in the last one and half years trying to sort out their documentations before the trial will commence. Melinda has spent over 2 million naira engaging a lawyer but wishes to have an enforceable decision on the matter. Sharon does not have an alternative source of supply of the type of flowers that Melinda supplies and so will prefer a resolution that will not destroy the relationship. Advise the parties.

- 5a. Discuss the contents of an arbitration agreement.
- b. What are the requirements of a valid arbitration agreement?

- 6a. Ike is tired of going to court to settle the dispute between him and Chioma over the custody of their children and maintenance of Chioma. Advise the parties.

- b. Assuming the parties decides to use negotiation enlighten them on the various negotiation processes/ steps.

- c. Discuss the rationale for ADR.