



NATIONAL OPEN UNIVERSITY OF NIGERIA
UNIVERSITY VILLAGE, PLOT 91 CADASTRAL ZONE
NNAMDI AZIKIWE EXPRESSWAY, JABI, ABUJA
FACULTY OF LAW
DEPARTMENT OF PRIVATE AND PROPERTY LAW
2020_1 EXAMINATION

COURSE CODE: PPL 517

COURSE TITLE: ALTERNATIVE DISPUTE RESOLUTION I

COURSE UNIT: 4

TIME: 2 1/2 hours

INSTRUCTION: ANSWER 4 (four) QUESTIONS IN ALL. QUESTION 1 (ONE) ATTRACTS 25 MARKS WHILE OTHER QUESTIONS ATTRACT 15 MARKS EACH.

ADR 517 Students are to use IRAC to answer the Questions

1. It has been argued in some quarters that litigation is no longer a fashionable method of resolving disputes. Do you agree?
2. Zenab had a scuffle with a fellow co-tenant Lexus in the course of which Tara sustained a head injury. He was rushed to hospital but later died as a result of complications. His landlord is already in court with him because the landlord wants eject him before the expiration of his rent. Zenab wishes to consolidate the two cases using Med-trial of the ADR system but Tara's family objects. Not being very enlightened Zenab does not understand the nature of ADR. Advise Zenab and Tara's family on steps to take.
(b) With the help of decided cases explain the characteristics of and limitation of mediation.
3. Discuss the types of disputes that are suitable for Conciliation.
4. Mary and Martha though childhood friends have a major disagreement in the partnership business. Originally their parents owned the business as equal joint partners before they died and Mary and Martha took over. Over the years the two families have kept a lid on several trade secrets that were fundamental to their business successes which their business competitors would be very delighted to know. Thus the parties are desirous of a business solution that will also move the business forward. Mary heard that you are an

ADR expert and has come to seek your opinion. Looking at the characteristics of the various methods, which one do you think will be better for them and why.

5. (a) Discuss the major benefits and challenges of Arbitration.
(b) Compared to the effectiveness of negotiation which would you prefer to use in resolving ADR issues.
6. Write notes on any three
 - i. Criticism of domestic Arbitration.
 - ii. Stages in the Negotiation process (students are to discuss the four stages-preparation, opening, bargaining and closing phases).
 - iii. Practice and Procedure at the Multi-Door Courthouse.
 - iv. Avery V Scot Clause and Atlantic Shipping Clause.