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GAUGING ATTITUDES OF JUDGES AND LAWYERS TOWARDS ALTERNATIVE DISPUTE RESOLUTION (ADR) IN NIGERIA: A PROFESSIONAL PERSPECTIVE

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Abstract

Alternative dispute resolution (ADR) has found some acceptance in the formal conflict resolution arena in Nigeria. However, the growth and usefulness of ADR cannot be guaranteed if the major players in the litigation space such as judges and lawyers are not in support of adoption of ADR in the settlement of disputes. To this end, the aim of this paper is to examine the attitudes of judges and lawyers to ADR in Nigeria in order to determine the extent of the relationship between these stakeholders and ADR. This paper adopted the doctrinal methodology of research and it was found that judges are lukewarm towards ADR because consent judgments are not used by the National Judicial Council (NJC) in the assessment of judges. It was also found that some lawyers have not fully embraced ADR because of the fear that ADR will affect their earnings and because ADR is not a criterion for the conferment of the rank of Senior Advocate of Nigeria (SAN). This paper recommended that the NJC should encourage judges to refer cases to ADR by using consent judgments as one of the criteria for the quarterly evaluation of judges and that the number of cases a lawyer settles through ADR should be used in assessing the lawyer with regards to the conferment of the rank of SAN. In conclusion, there is a need for all the critical stakeholders in the justice delivery system, especially judges and lawyers, to fully embrace ADR in the resolution of disputes.

Keywords: ADR, Litigation, Judges, Lawyers, Attitudes.

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1. INTRODUCTION

Alternative dispute resolution refers to all those methods of settling disputes aside courtroom litigation¹ such as mediation, arbitration, negotiation, early neutral evaluation, conciliation, amongst others. The use of ADR mechanisms in the resolution of disputes have gained wide acceptance in the dispute resolution arena in Nigeria. To this end, there has been a relationship between the courts and ADR which has led to the setting up of ADR centres and multi-door court houses within the precinct of the courts.² In this respect, ADR can be used to complement the courts in the litigation space to the extent that those cases that are best suited for ADR can be referred to ADR by the courts. For this relationship to be effective however, the major stakeholders in the litigation process who are judges and lawyers are expected to play a huge role by embracing ADR and supporting its application in the resolution of disputes that are pending in courts. This paper therefore aims to examine the attitude of judges and lawyers to ADR in Nigeria in order to determine the extent of the relationship between these stakeholders and ADR.

This paper is divided into five sections. It commences with an introduction. Section two is on the attitudes of Judges to ADR while section 3 examines the attitudes of lawyers to ADR. Section 4 is on the conclusion of the paper while section 5 is on recommendations.

2. The Attitude of Judges to ADR

Traditionally, the primary responsibility of a judge is the determination of the rights and liabilities of litigants. In doing so, the judge applies the law to the legally admissible evidence adduced by the litigants. According to Kalu, this responsibility extends to the judge ensuring that the trial process is fair and it is in accordance with the law.³ In this respect, the role of the judge is to sit and wait for the disputants to bring their disputes to the court and must not descend into the arena of conflict in deciding the cases.⁴ Therefore, it has been argued that the judge should not delve into other forms of resolving disputes like ADR.⁵ However, due to the challenges associated with the judicial process especially with the large number of cases the judges contend

¹ Steven Bennett, *Arbitration: Essential Concepts* (New York: ALM Publishers, 2002) 190.

² For instance, Lagos State has a court connected multi-door court house in the vicinity of the High Court.

³ Agwa Umah Kalu, 'The Managerial Judge and Disputes Resolution'. *A Compendium of Alternative Dispute Resolution* [2013] (1) 5.

⁴ *Ibid*, 6.

⁵ Eneche Eleojo, 'The Growth of ADR in Nigeria'. *A Compendium of Articles on Alternative Dispute Resolution (ADR)* [2013] (1) 55.

with on a daily basis, the judges have now started embracing ADR and encouraging litigants to embrace it as well.

Due to the importance of the courts in the dispensation of justice and the settlement of disputes generally, the argument has been made for ADR mechanisms to be connected to the courts. Discussing this relationship between the courts and ADR processes, Sander states that there is no inherent relationship between them but a natural relationship because courts are the main and the most important dispute-resolution centres thereby making it imperative that ADR processes like the multi-door court house should be connected with the courts.⁶

Commenting on the relationship between the courts and ADR, it is the view of Stempel that the courts should not only adopt the use of ADR in the settlement of disputes but should also co-opt ADR into the services they provide.⁷ However, he cautions that in doing this, courts must be mindful to retain and preserve enough of its adjudicatory core in order to continue to uphold the tenets of the law.⁸ Commenting further on the benefits of the relationship between the courts and ADR, Stempel opines that the notion that there should be more ADR in the judicial system is not as threatening as it may seem to supporters of adjudication and ADR will become better if more ADR is brought under the control of the courts instead of leaving it to the private sector or blocked by supporters of litigation.⁹ This view is apt in view of the fact that ADR can grow faster and become more refined when it is brought into the formal dispute resolution arena.

The growth of ADR is currently linked more with the attitude of the courts which now see ADR as a means to reduce the case load of judges and to reduce the delay in the hearing of cases.¹⁰ Judges nowadays are becoming open to the idea of ADR and allowing cases in their courts to be settled through ADR. To this end, the courts have now taken the initiative from the private

⁶ 'Exploring the Evolution of the Multi-Door Courthouse' Transcript of a Dialogue Between Professors Frank Sander and Mariana Hernandez Crespo, <<https://ssrn.com/abstract=1265221>> accessed 20th October 2023.

⁷ Jeffery Stempel, 'Reflections on Judicial ADR and the Multi-door Courthouse at Twenty: Fait Accompli, Failed Overture, or Fledging Adulthood?'. *Ohio St. J. on Disp. Resol.* [1996] (11) 308.

⁸ *Ibid*, 308-309.

⁹ *Ibid*, 361.

¹⁰ Opeyemi Oke, 'Alternative Dispute Resolution in Nigerian Legal System: Past, Present and Future'. *A Compendium of Articles on Alternative Dispute Resolution (ADR)* [2013] (1) 20.

players in emphasizing the usefulness of ADR.¹¹ The institutionalization of ADR by the court has been seen as a major victory for the ADR community and this is a demonstration and acknowledgment of the weaknesses and limitations of litigation in the resolution of dispute.¹² It is this relationship that has resulted in the Multi-Door Court House concept as a process of court-connected means of settlement of disputes in Nigeria.

However, it is the view of Fiss that the seeming embrace of ADR by judges is because the judges see ADR as a way of reducing the number of cases they deal with on a daily basis.¹³ Elucidating further on this point, Fiss contends that judges usually embrace settlements not out of disappointment or frustration but with a sense of relief which should be seen as not a recognition that a job is done, nor an acknowledgement that a job need not to be done because justice has been secured but because another case has been moved out of the court list which is true whether or not justice has been done or even needs to be done, call for concern.¹⁴

The various High Court Civil Procedure Rules of the various States in Nigeria have also made it possible for judicial officers to encourage parties to explore ADR in the resolution of their disputes. For instance, the pre-trial procedure that is contained in these High Court Rules allows judges to inquire whether the parties have subjected the dispute to ADR and what effect the ADR procedure that the dispute was subjected to had on the dispute.¹⁵

However, the policy of the National Judicial Council (NJC) which requires judges in Nigeria to deliver specific judgments in contested cases every quarter in a year may make judges to be reluctant in embracing ADR and referring matters to same especially in situations where the cases have gone far or are slated for adoption of final addresses. According to Harriman, judges are concerned about the wisdom of referring cases to ADR for settlement in situations in which

¹¹ Philip Naughton, 'Alternative Forms of Dispute Resolution – Their Strengths and Weakness'. *Const. L.J.* [1990] (6) (3) 196.

¹² Judith Resnik, 'Many Doors? Closing Doors? Alternative Dispute Resolution and Adjudication'. *Ohio St. J. on Disp. Resol.* [1995] (10) 262.

¹³ Owen Fiss, 'Against Settlement'. *Yale L.J.* [1984] (93) 1086.

¹⁴ *Ibid.*

¹⁵ For example, Order 25 of the High Court of Delta State (Civil Procedure) Rules, 2009 makes it mandatory for litigants to state in their pre-trial answer form the steps they have taken to resolve the dispute through ADR and if they have not taken any step towards ADR, the parties are mandated to state their reasons for not doing so. Also, Order 29 of the High Court of Delta State (Civil Procedure) Rules, 2009 empowers the judges to encourage parties to use ADR in the resolution of the dispute and also empowers the judges to refer cases in court to ADR with the consent of the parties.

the consent judgments will not be used as a basis in the evaluation of the judges.¹⁶ This policy of the NJC in assessing the performance of judges by the number of judgments they deliver within a certain period has also been criticised by Daniel-Kalio who questions the rationale of the NJC in assessing the quantity of judgments delivered rather than the quality. He summarizes this point thus:

The court system should not only be improved in terms of numbers, it should be improved in terms of quality and productivity. In the area of productivity, the National Judicial Council established a body to evaluate the performance of judges. The idea behind the establishment of the body is undoubtedly laudable. However, I have my reservations about how the body measures productivity. As far as the body is concerned, productivity is measured by the quantity of judgments delivered and not the quality of judgments. I think that method of evaluating productivity is counter-productive and is capable of impacting negatively on the justice delivery system. Quantity is like junk food. It momentarily satisfies hunger but ultimately does damage to the body. Quality also opens up a floodgate of needless appeals to the Court of Appeal and ultimately to the Supreme Court thereby congesting those courts.¹⁷

Thus, the viability of the institutionalisation of ADR may be seriously threatened if no effort is made by the NJC in enlarging its requirements for the evaluation of judges by including cases referred to ADR and the multi-door court houses which are then resolved as consent judgments by the courts.

3. The Attitude of Lawyers to ADR

One notable feature that is hindering the successful application of the ADR process to the resolution of disputes is the attitude of lawyers especially in Nigeria. Lawyers generally are slow and reluctant in accepting ADR as a dispute resolution mechanism. They see ADR as ‘competition’ which will ultimately affect their means of livelihood. Some lawyers refer to ADR as an ‘Alarming Drop in Revenue’¹⁸ or an ‘Acute Drop in Revenue’.¹⁹ As a result, many lawyers are skeptical in referring their clients’ cases to ADR due to the fear that the resort to ADR might

¹⁶ Roli Harriman, *The Conception, Birth and Growth of the Delta State Multidoor Courthouse*. (Asaba: Nathson Printers & Publishers, 2015) 26.

¹⁷ Obie Daniel-Kalio, ‘An Overview of the Shortcomings of the Justice Delivery System in Nigeria’. *Civil Litigation*, [2010] 163.

¹⁸ Kehinde Aina, ‘ADR Threat or Ally of the Bar and the Bench’. *A Compendium of Articles on Alternative Dispute Resolution (ADR)* [2013] (1) 44.

¹⁹ See Oke, 18.

affect their income which they usually get from going to court.²⁰ Also, apart from the professional fees charged by lawyers, some lawyers also charge ‘appearance fee’ or ‘transport fee’ whenever they go to court. Some lawyers are hooked on these appearance or transport fees for their daily financial needs and they are afraid that since ADR has the potential of resolving disputes quickly unlike the courts that take years to settle a particular dispute, they will lose this ‘precious’ appearance or transport fees if they embrace ADR.

Although it is apparent that this fear is misplaced if lawyers take into account the fact that they can charge their clients for services rendered during ADR proceedings. This view is supported by the provisions of the Rules of Professional Conduct for Legal Practitioners 2023 (RPC) which provides that ‘a lawyer is entitled to be paid adequate remuneration for his service to the client’²¹. In support of this, it has been observed that the above provision of the RPC ‘is therefore an authority for lawyers to charge for any work they do in pursuance of assisting their clients in settling out of court’.²²

Another reason for the un-cooperative posture by some lawyers may not be unconnected with the traditional law school training that lawyers received which focuses on the presumptions that disputants are in a battle and there can only be one winner and such a winner can only be confirmed by a third party applying the instrumentality of the law. According to Mullarkey, these presumptions by lawyers have affected their views and perceptions to ADR.²³ Commenting on the attitude of lawyers with respect to accepting ADR and recommending same to their clients, Bordone states thus:

Far too many attorneys plunge headlong into litigation whenever a client comes to them with a problem. Some lawyers do this because they are either unaware of other process choices or lack the training and skills to avail themselves of them. A smaller number do it because the legal profession has morphed largely into a business and the pressure to generate large fees forces lawyers to recommend the most costly procedure for their clients, regardless of what might be appropriate. Whatever the reasons, a lawyer’s tendency to automatically pursue litigation as the solution to a client’s problem is akin to a cardiologist’s performing bypass

²⁰ M.M Akanbi, ‘Challenges of Arbitration Practices Under the Nigerian and Conciliation Act of 1988: Some Practical Considerations’. *Arbitration* [2012] (78) (4) 328.

²¹ See Rule 48(1).

²² See Harriman, 33.

²³ Mary Mullarkey, ‘ADR in Colorado: A vision for Restoring Community’. *Colorado Lawyer* [1999] (28) 18.

surgery on every patient who walks through the door. No matter how successful heart surgeons may be in the operating room, they are more dangerous than helpful if they perform a 6 triple-bypass on every patient regardless of the patient's symptoms or condition. For physicians, the ability to diagnosis an ailment before prescribing an appropriate remedy is critically important. Amazingly, however, most lawyers fail to diagnose the ailment of their clients before recommending litigation. By reflexively recommending litigation to every client, lawyers are essentially recommending the legal equivalent of open-heart surgery to every patient.²⁴

Similarly, it has been noted that lawyers need to move away from their traditional role of advocates in formal proceedings to adopting a different approach to advocacy and representation in an environment where positions, interests and needs of the disputants are more dominant.²⁵ According to Menkel-Meadow, consensus building should be at the core of lawyers' advocacy and representation and that 'the lawyer who can problem solve creatively may better serve a client in a consensus building environment than one who argues or advocates well'.²⁶ She recognises the fact that lawyers are professionally trained to seek, investigate and organize information and states that these skills of lawyers are important in designing and implementing consensus building but they must be joined to other skills like listening, facilitating and reframing in order for those skills to be effective in the ADR arena.²⁷

In conceptualizing the role of lawyers in the modern-day dispute resolution arena, Menkel-Meadow advocates for the idea of a 'neutral lawyer' who does not have a client to represent nor advocacy to perform on behalf a client but can still function fully as a legal practitioner who is learned in the field of law.²⁸ Furthermore, she states thus:

Lawyers may be especially useful in performing a variety of 'new' functions that depart from traditional conceptions of the lawyer's role, but which lawyers may be especially well suited to perform. It may be counter-cultural to think of lawyers as 'consensus builders,' rather than as advocates or makers of conflict, but that is just what effective lawyers must do. I will suggest that lawyers performing such roles may need to reconceptualize their professional role, the goals they pursue, the activities they engage in and the rules and standards which might govern their

²⁴ Robert Bordone, 'Fitting the Ethics to the Forum: A Proposal for Process – Enabling Ethical Codes'. *Ohio St. J. on Disp. Resol.* [2005] (21) 5.

²⁵ Carrie Menkel-Meadow, 'The Lawyer's Role in Deliberative Democracy,' <<https://ssrn.com/abstract=784530>> accessed 30th November, 2023.

²⁶ *Ibid*, 123.

²⁷ *Ibid*, 124.

²⁸ *Ibid*, 104.

behaviour. Paradoxically, I also want to suggest that ‘neutral’ lawyers (without clients or advocacy) may be well positioned to achieve or facilitate particular resolutions of legal problems that may contribute to ‘justice’ even more effectively than ‘non-neutral’ advocates.²⁹

It has been stressed that the attempt to develop ADR as a suitable alternative to litigation cannot be achieved creditably unless lawyers’ attitude towards ADR changes and lawyers become more amenable to ADR.³⁰ The attitude of lawyers towards ADR stems from the culture of aggression and non-co-operation and for this attitude to change, lawyers must adopt a consolatory and relation-sensitive approach.³¹ This requires re-education and the training of lawyers in the field of ADR so as to imbibe the skills required in ADR.³²

There are many other reasons why lawyers prefer litigation to ADR. In the first place, lawyers are trained to look at disputes in terms of legal rights and remedies.³³ By virtue of this, some lawyers may not be bothered about the underlying causes of the dispute.³⁴ Secondly, lawyers are in charge of the litigation process and their clients who are supposed to be the real disputants are relegated to the background and only play a minimal role in the litigation process. The disputants find it difficult to communicate with each other directly and can only do so through their lawyers. This intensifies the confrontational approach by lawyers to dispute and may further polarize the parties.³⁵ Therefore, there is a need for lawyers to start thinking about dispute resolution in a new way. In this respect, lawyers should cultivate the art of speaking less and listening more in order to cultivate the habit of identifying the underlined interest of the parties to the dispute with the aim of finding lasting solutions to the dispute.³⁶

The litigation process has also been criticised for shutting out the disputants from directly ventilating their grievances by allowing only the lawyers to be the mouth-piece of the disputants in court.³⁷ By reason of this, many litigants find it difficult to understand the language or the

²⁹ *Ibid.*

³⁰ Peter Harvey, ‘ADR: An Evolutionary Process’. *The Advocate* [1998] (56) (4) 545.

³¹ Roy Goode, ‘The 1997 Alexander Lecture: Dispute Resolution in the Twenty First Century’ *Arbitration* [1998] (64) (1) 10.

³² *Ibid.*

³³ *Ibid.*, 11.

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*, 12.

³⁷ *Ibid.*, 11.

nuances of the court and the entire litigation process.³⁸ Another major setback in the litigation process is the requirements that the litigants should communicate with each other through their lawyers.³⁹

According to Goode⁴⁰, this process of communicating through lawyers is a major cause why there is delay and expense in the litigation process. Since the litigation process relies heavily on the use of lawyers, the facts as presented by the clients to their lawyers usually come out in legal forms that the parties find difficult to comprehend. By virtue of this, the content of what the lawyer has put down may be different from what the client actually told him in the first place.⁴¹

Furthermore, lawyers are generally unenthusiastic, apprehensive and hostile to ADR because the legal profession is not rooted in ADR but only in the litigation process.⁴² To this end, there is a need to train lawyers on the benefits of using ADR in settling dispute. Commenting on the need for lawyers to accept ADR and the multi-door court house, Chukwuemerie opines thus:

With particular reference to this Multi-door Courthouse scheme we must eschew undue conservatism and debilitating technicality and move on with the substantial and legitimate developments of our time so as to give our society quicker (and I dare say, sometimes more qualitative) justice by warmly embracing all the mechanisms available. Else, we run the risk of experiencing what the Aba, Onitsha, Kano and (to some extent to some parts of the) Lagos Bars now experience – disputants preferring police stations as avenues for the settlement of even simple debt disputes to the utter detriment of the lawyers, particularly the not-very-senior ones. Even without that kind of development yet, it would appear that several of our own here have laboured over decades with seriously qualified levels of success to make a living out of long drawn and drab litigation.⁴³

Another reason for the lukewarm attitude of lawyers towards ADR is due to the fact that cases that are resolved through ADR are not used in the computation of cases for the conferment of the rank of Senior Advocate of Nigeria (SAN). This has created a situation where the courts, particularly the Court of Appeal and the Supreme Court, are dealing with congestion of cases as

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² Shirley Shipman, 'Court Approaches to Adr in the Civil Justice System'. *C.J.Q.* [2006] (25)187.

⁴³ Andrew Chukwuemerie, 'An Overview of Arbitration and the Alternative Dispute Resolution Methods (ADRS)'. *Civil Litigation* [2010] 133.

a result of the huge number of cases that are being filed daily by lawyers who are interested in using those cases in applying for the rank of SAN. In this respect, it is the view of Ikimi⁴⁴ that:

Although ADR has been embraced into our adjudicatory system, a lawyer who engages in more of dispute resolution mechanisms other than litigation is likely never to become a Senior Advocate of Nigeria if he is not in the academia. Consequently, since attaining the rank of SAN is an enviable position and a mark or an identification of excellence to the public, aspiring SAN who do not intend to delve into the academia would be forced to participate in more of courtroom litigation, thus relegating ADR. This would have an attendant effect which is the congestion of courts.

In order to address this problem which has contributed to the issue of congestion and delay in courts, we are advocating that the rank of SAN should be open to those lawyers who are promoting and employing ADR in the resolution of their clients' cases as well as those lawyers in litigation and in academics. It believed that this will go a long way in changing the negative attitude of lawyers to ADR in Nigeria.

However, there are some laws that now require lawyers to be more circumspect in rushing their clients' cases to court. There is now pressure on lawyers to properly inform their clients on the availability of other methods of settling disputes like ADR. A far-reaching law in this regard is the provision of the High Court of the Federal Capital Territory, Abuja (Civil Procedure) Rules 2018 which states thus:

A certificate of pre-action counseling signed by counsel and the litigant shall be filed along with the originating processes where proceedings are initiated by counsel, showing that the parties have been appropriately advised as to the relative strength or weakness of their respective cases, and the counsel shall be personally liable to pay the costs of the proceedings where it turns out to be frivolous.⁴⁵

Similarly, Order 5 Rule 1(2) and 5(3) of the Lagos State High Court (Civil Procedure) Rules 2019 list the documents that must accompany a writ of summons or originating summons at the time of filing the suit. One of such documents is the pre-action protocol Form 01 with necessary documents. According to paragraph 3 of the preamble to the General Pre-action Protocol, before

⁴⁴ I.I.I. Ikimi, 'Examining the Requirements for Conferment of the Rank of Senior Advocate of Nigeria *vis a vis* Decongestion of Courts'. *NAUJILJ* [2019] (10) (1) 5.

⁴⁵ See Order 2 Rule 8.

the commencement of proceedings, the Court expects parties to have engaged in pre-trial correspondence sufficient to –

1. understand each other's position;
2. make decisions about how to proceed;
3. try to settle the issues;
4. consider a form of Alternative Dispute Resolution (ADR);
5. support the efficient management of those proceedings;
6. reduce the cost of and delay in resolving disputes.

By virtue of Order 5 Rule 1(3) and 5(4) and Order 7 Rule 1(1) of the High Court of Lagos State (Civil Procedure) Rules 2019, failure to comply with the above can nullify the action. Thus, lawyers in Lagos State are mandated to explore ADR in the resolution of cases before such cases are filed in court.

According to Eleojo,

The import of this is that the law now places a responsibility on counsel to advise their clients on the proper mechanism to use when a brief is brought before them. Rather than litigate, a counsel is expected to advise his client appropriately. This does not by any means imply that a client with a weak case should be advised to use ADR. What that other establishes is that counsel should in chambers determine with his client whether the case on hand is one that calls for a determination of rights or a reconciliation of interests. If while conferencing, the lawyer believes that the issues raised strictly call for a determination of the rights of parties in the subject matter of the dispute, then the matter can be appropriately litigated. Conversely, where the issues at stake lean towards a reconciliation of the interest of parties then litigating will serve no purpose. It will only keep the parties running round in circles.⁴⁶

It is hoped that more laws, like the provision in Order 2 Rule 8 of the High Court of the Federal Capital Territory, Abuja (Civil Procedure) Rules 2018 and Order 5 Rule 1(2) and 5(3) of the Lagos State High Court (Civil Procedure) Rules 2019, will be enacted so that lawyers will be legally obligated to steer their cases away from the courtroom to ADR in certain situations.

4. CONCLUSION

⁴⁶ See Eleojo, 57.

The benefits of ADR to the litigation process cannot be over emphasised. In this regard, the modern trend is to employ ADR mechanisms in the resolution of disputes and to fuse ADR into the judicial process. Therefore, judges and lawyers need to be educated on the benefits of applying ADR in the resolution of disputes. To this end, this paper examined the reasons why judges and lawyers are generally lukewarm towards ADR. In conclusion therefore, since ADR is generally a dispute resolution process that is relatively inexpensive, fast and can commence early in any dispute,⁴⁷ and is a process ‘which tends to leave all sides feeling good’,⁴⁸ there is a need for all the stakeholders in the justice delivery system, especially judges and lawyers, to fully embrace ADR in the resolution of disputes.

5. RECOMMENDATIONS

In addressing the lukewarm attitudes of judges and lawyers towards ADR, this paper recommends that the NJC should encourage judges to refer cases to ADR by using consent judgments as one of the criteria for the quarterly evaluation of judges. Furthermore, this paper recommends that the number of cases a lawyer settles through ADR should be used in assessing the lawyer with regards to the conferment of the rank of SAN. It is believed that these recommendations will greatly influence the attitude of judges and lawyers towards ADR thereby helping in the decongestion of the courts, reducing the cost of dispute resolution and creating friendly relationships amongst disputants.

⁴⁷ See Naughton, 202.

⁴⁸ *Ibid*, 203.