



DISPUTE RESOLUTION
REGULATORY COMPLIANCE
FILINGS

(ADOPTING TECHNOLOGY FOR EFFECTIVE & EFFICIENT RESULT

- Way to go)

The Nigerian judicial system has not been spared the disruptions and challenges caused by the pandemic. The initial announcement by the Honourable Chief Justice of Nigeria regarding closure of all Courts has been lifted to accommodate the gradual ease of the lock down declared by the Federal Government. Most Courts have circulated their respective Practice Direction Guidelines for remote and physical sittings.

OVERVIEW

- *WAY TO GO*
- *CHALLENGES FACED*
- *WAY FORWARD*
- *ESPONSIVE STEPS*





HIGHLIGHTS OF CIRCULATED PRACTICE DIRECTIONS

There is no doubt that all Courts have embraced digitalized technology rather than its prior manual process causing delay in administration of justice. Hopefully, we envisage that pending matters will be heard timeously once the judiciary can fully embrace the use of technology in its proceedings.

CHALLENGES FACED

There has been a major impediment in the Nation's litigation process prior to the pandemic and during this pandemic. The prominent issues are:

- Delay in dispensation of justice and civil remedies.
- Denial of access to justice.
- Civil and commercial matters at a standstill.
- Detention of suspects over statutory timeframe.
- Increase in statute-barred matters.
- Denial of trials.
- Lapse of timelines for statutory and regulatory filings.

WAY FORWARD

Electronic Filing of Applications and Returns

- Several regulatory agencies have embraced this but not optimally. As a policy, our regulatory agencies should ensure that filings are done electronically to eliminate physical contact and incessant delays.

Virtual Proceedings

Clearly, online dispute resolution is a way to move the litigation space forward post pandemic.

Like arbitral institutions, our Courts should embrace virtual hearings to encourage accessibility and aid adequate dispensation of justice. The Kenyan Government has decongested prisons of about 4,800 inmates from different parts of the country through video conferencing facilities.



RESPONSIVE STEPS TO THINK ABOUT/HOW WE CAN HELP:

Risk Analysis

- Strategic litigation risk analysis for business decisions under contemplation.

Advisory

- Advisory on statute of limitation, Court and regulatory timelines.
- Proactive and forward-thinking company secretarial services (e.g. facilitating virtual board meetings, AGMs, EGMs) and advisory on statutory/regulatory filings.

Representation

- Adjudicatory representation for any pending matters and potential ones.
- Interface with regulatory agencies within the States and at the Federal level.
- Coordination for out-of-court settlement for pending litigation and new disputes.
- Certified arbitrator services and certified mediations for all matters outside litigation.
- Other relevant and incidental advisory, structuring and dispute resolution/litigation services required.

THE NEW WAVE; MEDIATION, NEGOTIATION, CONCILIATION AND RECONCILIATION

Although this dispute resolution mechanisms have been around for some time, it apparently behooves the judicial system to explore, synchronize and amplify these alternatives to litigation. Undoubtedly, parties involved during the settlement processes are usually minimal consequently, this makes it easy to comply with social distancing rules / guidelines especially in light of the partial resumption activities. We suggest that appropriate civil matters should be referred to mediation or arbitral proceedings to decongest the pending files. For commercial matters, arbitration is the preferred dispute resolution forum.

CONCLUSION:

As businesses face increasing responsibilities and expectations in the rapidly evolving normal circumstances, we have a team equipped to respond to your industry needs. Please feel free to contact any of the underlisted:



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REFERENCES

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