



**EXPEDITED MED/ARB RULES
Of the
Lagos Court of Arbitration**

LCA MED/ARB EXPEDITED RULES 2018

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LCA MED/ARB EXPEDITED RULES

Preamble

In recognition of the need to have a set of guidelines to govern the med/Arb Process at the Lagos Court of Arbitration, these Rules were passed on the 2nd day of May 2018 to assist in the effective resolution of disputes by med/Arb and for the proper and expeditious conduct of med/Arb proceedings and other connected purposes.

1. Title and Definitions

1.1 These Guidelines shall be Known as the “ Expedited Med/ Arb Rules of the Lagos Court of Arbitration, 2018”; hereinafter called the ‘LCA Expedited Med/ Arb Rules 2018’.

1.2 In order to preserve the flexibility of the mediation process, the LCA Expedited Med/ Arb Rules shall not be unduly prescriptive; they should be construed and interpreted in a liberal manner to produce a just, efficient, expeditious and cost-effective process of resolving disputes by mediation between parties.

1.3 In these Rules:

- i. “Executive Secretary” means the Executive Secretary of the Lagos Court of Arbitration.
- ii. “LCA” means the Lagos Court of Arbitration.
- iii. “List of Mediators” means the names of any person screened and appointed to provide mediation services through a process established by the LCA as contained on the Panel of Neutrals of the LCA, .
- iv. “Mediator” means a person whose name is on the Lagos Court of Arbitration’s Panel of Neutrals and who is suitably qualified and experienced in mediation and who has been appointed in accordance

with the LCA guidelines to act as a mediator. The term includes a sole mediator or a panel made up of two or more mediators.

- v. “Arbitrator” means a person whose name is on the Lagos Court of Arbitration’s Panel of Neutrals and who is suitably qualified and experienced in Arbitration and who has been appointed in accordance with the LCA guidelines to act as an arbitrator. The term includes a sole arbitrator or a panel made up of three arbitrators.
- vi. Mediation/ Arbitration Submission Agreement” means a written agreement wherein parties have agreed to submit all or certain disputes which have arisen or which may arise between them, to mediation and in the event of a failure to settle to arbitration. A mediation/arbitration submission agreement may be in the form of a clause in a contract or in the form a separate agreement between the parties.

2. Commencement of Arbitration

- i. Where the parties have entered into a Med/Arbitration Submission Agreement these rules shall take effect when the mediation sessions terminate due to the inability of the parties to reach a settlement.
- ii. The arbitration shall be deemed to commence on the date the mediation sessions are terminated.

3. Calculation of Periods of Time

For the purpose of calculating a period of time under these Rules, such period shall begin to run on the day following the day when a notice is received. If the last day of such period is an official holiday or a non-business day at the residence or place of business of the addressee, the period is extended until the first following business day. Official holidays or non-business days

occurring during the running of the period of time are included in calculating the period.

4. Administration

The LCA shall administer the reference under these rules and the costs of such administration shall be included in administrative costs assessed on and paid by the parties or either of them.

5. Service of Processes

All processes to be served under these Rules may be served by courier, email, or hand delivery

- i. The Claimant may not include any new points of claim.

6. Appointment of Award Review Committee

At the same time of the selection of the mediator/arbitrator, the President of the LCA will appoint members of the Award Review Committee. These committee members shall be appointed from the LCA membership.

7. Arbitration Locale

Arbitration under these rules will be deemed to have its seat and venue in Lagos and be conducted under the rules of the LCA and the Laws of Lagos State of Nigeria. However in the event of any conflict between the provisions of the rules of the LCA and LCA Expedited Med/ Arb Rules, the provisions of the LCA Expedited Med/ Arb Rules shall apply.

8. **Preliminary Arbitration Conference**

- i. Within 5 days of the commencement of the arbitration, the arbitrator shall hold a preliminary conference to address all issues required to hear the reference and to give the order for directions required to fix the timetable for the conclusion of the reference.
- ii. The arbitrator shall also decide at this conference whether the arbitration will proceed on a documents only basis or hearing and the manner of the hearing whether video conference, telephone conference or physical meeting.
- iii. Where the arbitrator decides to proceed with a hearing the hearing shall be limited to just 1 day.
- iv. The arbitrator may hold one or more conferences in the arbitrator's discretion so long as such further conference will not alter the timetable.

9. **Limited Discovery**

- i. Except as otherwise ordered by the arbitrator, discovery shall be limited to the exchange of documents which had not been previously submitted at the mediation stage.
- ii. Upon date(s) established by the arbitrator, both parties will serve on the other:
 - a) all non-privileged hardcopy and electronic documents that they reasonably believe are relevant to any issue to be resolved in the arbitration;
 - b) a privilege log with a sufficient description so that the assertion of privilege can be appropriately evaluated by the non-producing party and the arbitrator;
 - c) in addition, each party may serve a list of particular categories of documents needed with respect to the dispute, which list shall attempt to be as specific as reasonably practicable, and each party shall then serve in response a

statement of whether the initial production included the requested documents and, if not, whether the production will be supplemented or whether there is an objection thereto;

- iii. Any documents not produced two weeks prior to the arbitration hearing may not be used by the producing party at the hearing, except for rebuttal documents, which may be admitted in the discretion of the arbitrator.

10. **Tribunal Appointed Expert**

- i. If the arbitrator deems it appropriate, the arbitrator may appoint an independent expert to assist the arbitrator in gathering facts necessary to a full resolution by direct interviews with party representatives prior to the hearings.
- ii. The expert shall render his report in writing with copies to each party. The report of the expert shall assist the arbitrator and shall not constitute a decision on the issues between the parties.
- iii. The cost for the expert shall be shared by the parties.

11. **Hearing**

- i. Where the arbitrator decides to proceed with a hearing, the hearing may be held or witnesses presented by videoconference or such other manner as the arbitrator deems appropriate.
- ii. The arbitrator may impose a timed hearing with equal time for either party to present its evidence. In any timed hearing, a party may present a witness on direct examination through an affidavit. The arbitrator may also limit the number of experts to be presented by the parties.

- iii. The arbitrator shall determine the appropriate procedures for the arbitration bearing in mind that the parties selected fast track arbitration to achieve a fast, equitable solution without the formalities required by judicial processes.
- iv. The parties shall produce such evidence as the arbitrator deems necessary to understand and to determine the matters in dispute. The arbitrator shall have the power to subpoena witness or documents upon request of either party or as deemed necessary by the arbitrator. Where a party refuses to obey the subpoena of either its witnesses or documents, the arbitrator shall reserve the right to draw an adverse inference if the circumstances so permit.
- v. Unless the parties have otherwise jointly consented, hearings will be held not later than 35 days from the day of commencement of arbitration. The hearing shall be for 1 day.

12. Close of proceedings

- i. The arbitrator shall declare the proceedings closed when he/she is satisfied that the parties have had a reasonable opportunity to present their cases. In exceptional circumstances, prior to the making of the final award, the Arbitrator may reopen the proceedings on the Arbitrator's own motion, or on the application of a party.
- ii. In any event the arbitrator shall declare the proceedings closed not later than 35 days from the date of commencement of arbitration

13. Award

- i. The arbitrator will render a written reasoned award.
- ii. The award shall be published within 30 days of the close of proceedings.

14. **Review of the Award**

- i. Within 14 days of the close of proceedings and prior to signing the award, the arbitrator shall send it to the LCA Secretariat in the form of a draft. The Secretariat shall submit the draft for a review to the Award Review Committee. The Award Review Committee may make recommendations with regard to the formal requirements of the award, but without prejudice to the freedom of decision-making by the arbitrator, it may also underline certain matters of procedural or material legal nature. The recommendations of the Committee shall be unanimous
- ii. The Award Review Committee shall give the arbitrator a time limit to consider its recommendations and remarks and submit the draft of the arbitral award for a new review. This time shall not exceed 5 days.
- iii. The arbitrator shall consider the recommendations and remarks of the Award review Committee and where he disagrees with the recommendations he shall supply reasons why.
- iv. No arbitral award may be published by the arbitrator, prior to it being approved with regard to its form by the Award Review Committee.

15. **Costs**

All costs shall be borne equally by the parties but the arbitrator may divide costs as the arbitrator deems appropriate as part of the award.

16. **General Provisions**

1. The text of these Rules is in the official language of the Lagos Court of Arbitration and any other language that it is translated into shall be equally authentic.

2. These Rules may be cited as the Lagos Court of Arbitration Med/ Arb Rules, 2018.



CHARLES ADEYEMI CANDIDE-JOHNSON, SAN FCI Arb
PRESIDENT

NOTE:

These rules are subject to revision. The Rules in force at the time the arbitration commences shall govern the proceedings.

