

IN THE LEGAL PRACTITIONERS DISCIPLINARY COMMITTEE
OF THE BODY OF BENCHERS HOLDEN AT ABUJA

BB/LPDC/461/2021

BETWEEN:

EMMANUEL OYEDELE OYEKUNLE -----APPLICANT

AND

MICHAEL OLALEKAN OLAWOYIN, ESQ. -----RESPONDENT

CORAM:

- | | | |
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| 1. HON. JUSTICE DR ISHAQ BELLO OFR | - | CHAIRMAN |
| 2. HON. JUSTICE O. O DANIEL – KALIO, PJCA, OFR | - | MEMBER |
| 3. HON. JUSTICE HALIMA IBRAHIM ABDULMALIK, CJ NIGER- | | MEMBER |
| 4. DR BEN URUCHI ODOH, AG EBONYI | - | MEMBER |
| 5. FIDELIS MNYIM, ESQ. AG BENUE | - | MEMBER |

FINAL DIRECTION

DELIVERED BY FIDELIS MNYIM, ESQ. ON THE 20TH DAY OF JANUARY, 2025

On the 26th day of February, 2021, the Committee received an originating application from the Applicant which was accompanied with a statement of facts and verifying affidavit which was annexed with; Contract of Sale (Exhibit 12.1), Receipts (Exhibit 12.2), Power of Attorney (Exhibit 12.3), Deed of Assignment (Exhibit 12.4), Land Survey Plan No: AO/1227/012/2020/LA (Exhibit 12.5), Deed of Release (Exhibit 12.6), Petition Letter to DPO, Ketu Divisional Police Station, Lagos (Exhibit 12.7) and Whatsapp Chat Message (Exhibit 12.8).

The Applicant adopted his processes on the 25th day of June, 2024. The Respondent did not file any processes in response to the Applicant's originating application.

THE APPLICANT'S CASE:



- 1) That on Tuesday, 19th May, 2020 the Applicant's agent, Mr Ighoroje Tare Andrew and the Applicant had a meeting with one Barrister Michael Olalekan Olawoyin (Octagon Legal and Consultancy Services, Olawoyin Chambers) of No.10 Rasaki Bello Street Off Alhaji Lawal, Ketu, Lagos and office address at 493 Ikorodu Road ketu Ikosi, Lagos State, Nigeria, who is the Respondent herein, at the premises of the property he (the Respondent) offered for sale at number 22 Bello street, off Oluwalogbon Street, Ayedere Area, Ketu, Ikosi Lagos.
- 2) That immediately after the meeting both the Applicant, his agent and the Respondent left the premises for his office at 493 Ikorodu Road, ketu, Ikosi, Lagos State to check all the documents pertaining to the property. The Respondent showed the Applicant and his agent the Power of Attorney to sell the property (Exhibit 12.3) given to him (the Respondent) by one Mr. Mobolaji Oduwole on behalf of other beneficiaries and the Deed of Release of the Property from OFFICE OF THE ADMINISTRATOR GENERAL & PUBLIC TRUSTEE, MINISTRY OF JUSTICE, LAGOS STATE, NIGERIA (Exhibit 12.6).
- 3) That after negotiations, the Respondent gave the Applicant a contract of sale, notarized and attested by one Charles N. Nneji, Esq. of 34 Abeokuta Street, Anifowoshe, Ikeja, Lagos State on the 28th May, 2020 (Exhibit 12.1) to sell 226.22 square meters out of the whole 452.44 square metres of the landed property at a consideration of N11,000,000.00 (Eleven Million Naira Only).
- 4) That days later, the Applicant withdrew his savings with Investment One Fund Management, Lagos and secured a loan from his company's cooperative and paid for the 226.22 square meters as agreed in the contract of sale (Exhibit 12.1) for the landed property. N3,000,000.00 (Three Million Naira) and N2,000,000.00 (Two Million Naira) was paid on 23rd May, 2020, N1,000,000.00 (One Million Naira) on 24th May, 2020 and N5,000,000.00 (Five Million Naira) on 1st June, 2020. All the monies were paid into the OCTAGON LEGAL AND CONSULTANCY SERVICES FCMB Account Number 4713817019 as directed by the Respondent, and he (The Respondent) receipted the payments as N6,000,000.00 (Six Million Naira) and N5,000,000.00 (Five Million Naira) on the 22nd May, 2020 and 3rd June, 2020 respectively with his office receipt numbers 0000080 and 0000081 (Exhibit 12.2) respectively.

- 5) That the Applicant has allegedly been calling on the Respondent since 12th July, 2020 to hand over the original documents and physical possession of the property to the Applicant to no avail.
- 6) That on the 11th September, 2020 the Applicant took his surveyor to the property and his portion of 226.22 square meters was taken out of the whole 452.44 square metres of the landed property with the consent of the Respondent and witnessed by one Mr Oyebanji, the last tenant living on the property then as evidenced in the Land Survey Plan No: AO/1227/012/2020/LA (Exhibit 12.5). However, the Respondent put a condition in the Deed of Assignment (Exhibit 12.4) that he gave to the Applicant that the Applicant cannot demolish the building on the property until the remaining portion of the property is fully paid for by the second buyer.
- 7) That on 27th November, 2020, the Applicant informed the Respondent that his transaction was independent of the second buyer's and asked the Respondent to allow him take physical possession of the 226.22 square meters of property he paid for. The Respondent pleaded with the Applicant to wait for the other party to balance up. On the 19th December, 2020 at about 15:36hr, the Respondent called the Applicant and informed him that the other party had fully paid for the remaining portion of the Property and that by 25th January, 2021 he would call both the Applicant and the other buyer together and hand over the original documents to the property to them with a single Deed of Assignment (combining the two buyers' names and portion) duly signed by the beneficiaries with Governor's Consent. The Respondent also promised to give physical possession of the property to the Applicant thereafter.
- 8) That the Applicant called and sent messages to the Respondent on the 25th January, 2021 after waiting to receive his invitation to the meeting as earlier promised by the Respondent to no avail, as the Respondent neither took the calls nor replied the messages. The Respondent later called back and told the Applicant that he was going to refund the money that the Applicant paid because he (the Respondent) was now in Germany. The Respondent allegedly

called the Applicant with his German line +49 1521 1621298 and after the call he was not reachable again.

- 9) That on 26th January, 2021 the Applicant went back to take physical possession of the 226.22 square metres of landed property he purchased from the Respondent, however, on getting there, a third party had started renovating the property. The Applicant then approached the law firm of Ubani & Co Chambers for legal assistance. Consequently, a lawyer from Ubani Chambers wrote a petition against the Respondent to the DPO, Ketu Police Station. The Police made attempts to reach the Respondent to no avail. The police later invited the third party who was renovating the property. Upon appearing before the Ketu Police Station, the third party tendered his purchase receipt for the property and stated that the Respondent was the one who sold the 452.44 square metres of land to him for the sum of N30,000,000.00 (Thirty Million Naira) only on the 23rd of December, 2020. The third party allegedly signed an undertaking at the Ketu Police Station stating that he will assist the police in apprehending the Respondent and bringing him to justice.
- 10) That the Applicant spent over N13,270,000.00 (Thirteen million, Two Hundred and Seventy Thousand Naira) on the said property with a break down as follows; N11,000,000 (consideration for the property) + N1,020,000.00 (one year flat Interest rate and cost of securing loan) + N520,000.00 (Survey Fee and Surveyor General Consent Fee) + N200,000.00 (Agency Fee), and N250,000 (Architectural Fee). The Respondent is aware of all the expenses made by the Applicant on the property as evidenced in Exhibit 12.8 which is the whatsapp chat between the Applicant and the Respondent.
- 11) That the Applicant is appealing to the Legal Practitioners Disciplinary Committee to use their good office to come to his aid by investigating his petition as a matter of urgency.

RESPONDENT'S CASE

That the Respondent has failed to file any defence to the Applicant's originating application despite being made aware of same and has failed to attend the sittings of this Committee despite being served several hearing notices.

ISSUE FOR DETERMINATION

Parties did not file Written Address, thus issue for determination were not formulated by them, however we have carefully considered the respective affidavits, Exhibits, and the evidence adduced by the Applicant and hereby formulate a lone issue for determination to wit; "Whether the Applicant has established a case of professional misconduct or conduct unbecoming of a Legal Practitioner against the Respondent".

FINDINGS

- (1) That the Applicant and his agent met with the Respondent on the 19th of May, 2020 to negotiate for the purchase of a property which the Respondent was offering for sale at No.22 Bello Street, Off Oluwalogbon Street, Ayedere Area, Ketu, Ikosi, Lagos. Thereafter, the Respondent showed to the Applicant and his agent the Power of Attorney given to him by the owners of the property authorizing him to sell off the property and the Deed of Release of the Property from the Office of the Administrator General and Public Trustee, Ministry of Justice, Lagos State. There are receipts dated the 22nd of May, 2020 and the 3rd of June, 2020 for N6,000,000.00 and N5,000,000.00 bearing the name of the Respondent's law firm and issued to the Applicant as proof of payment for the property which is the subject of the Applicant's case against the Respondent.
- (2) That the Applicant believed the Respondent because of the documents he showed to him to prove that the property was genuine and that he had the authority to sell the property. The Applicant agreed to purchase 226.22 square meters out of the whole 452.44 square metres of the landed property at a consideration of N11,000,000.00 (Eleven Million Naira Only).
- (3) That based on the Respondent's representations the Applicant executed a contract of sale with the Respondent and paid the sum of N11,000,000.00 into the Respondent's Office account for the purchase of the property. The

Respondent acknowledged receipt of the payments made into his law firm account with First City Monument Bank (FCMB) and issued receipts to the Applicant dated the 22nd of May, 2020 and the 3rd of June, 2020 for N6,000,000.00 and N5,000,000.00.

- (4) That the Applicant took his surveyor to the property on the 11th of September, 2020 and his portion of 226.22 square meters was taken out of the whole 452.44 square meters with the consent of the Respondent.
- (5) That after payment was made by the Applicant to the Respondent, the Respondent did not give the title documents of the property to the Applicant but asked the Applicant to wait for a third party who had made a part payment on the remaining portion of the property to complete payment so that he could give the Applicant and the other party the original documents of the property and a single Deed of Assignment containing the names of the Applicant and the other party.
- (6) That on the 19th of December, 2020, the Respondent called the Applicant and informed him that the other party had fully paid for the remaining portion of the Property and that by 25th January, 2021 he would call both the Applicant and the other buyer together and hand over the original documents to the property to them with a single Deed of Assignment (combining the two buyers' names and portion) duly signed by the beneficiaries with Governor's Consent. The Respondent also promised to give physical possession of the property to the Applicant thereafter.
- (7) That the Respondent did not keep his promise and was not reachable on the 25th of January, 2021. The Respondent later called the Applicant and informed him that he was going to make a refund of the money he paid for the property. The Respondent also told the Applicant that he was in Germany.
- (8) The Applicant later discovered that the Respondent has sold the property to a third party.
- (9) Till date the Respondent is yet to make a refund of the money that the Applicant paid for the property.
- (10) The conduct of the Respondent amount to infamous conduct in professional respect. The Respondent presented himself as having authority to sell the property which is the subject of the Applicant's application and the

Applicant did purchase the property from the Respondent as evidenced in the Exhibits before this Committee.

RESOLUTION OF ISSUE(S)

Rule I of the Rules of Professional Conduct provides:

"A lawyer shall uphold and observe the rule of law, promote and foster the cause of justice, maintain a high standard of Professional Conduct and shall not engage in any conduct which is unbecoming of a Legal Practitioner."

We have earlier found that the conduct of the Respondent amount to infamous conduct in professional respect. In it's direction in BB/LPDC/368/2020 between DURU IKENNA JEFFERY VS BENNETH N. EKE & ANO delivered on 8th day of September 2021, reported in D & R of LPDC of BOB January (2019)-September (2020), the Committee held:

"...a lawyer may still be culpable for infamous conduct even where the applicant is not his client and has not been represented by him in a professional capacity."

What then is infamous conduct? In NBA VS MABAWANKU (2013) 15 NWLR (pt 1378) 603 @ 623 infamous conduct in professional respect, was defined thus:

Infamous conduct in any professional respect is an act or omission, which in the opinion of the disciplinary committee is such that will bring the profession into disrespect".

Professional misconduct was defined in ITEOGU VS LPDC (2009) 17 NWLR (pt 1171) 614 @ 643 thus:

"... any conduct that constitutes an infraction of acceptable standard of behavior or ethics of the legal profession, or any conduct which connotes conduct despicable and morally reprehensible as to bring the legal profession into disrepute if condoned or unpunished,....." per Chukwuma-Eneh, JSC.

In the instant proceedings, the Respondent a Legal Practitioner working with Octagon Legal and Consultancy Services, Olawoyin Chambers, with its address at No. 10 Rasaki Bello Street, Off Alhaji Lawal, Ketu, Lagos held himself out to the Applicant as a lawyer and sold a property to the Applicant and the Applicant believed him because he is a member of the noble profession.

The Respondent lured the Applicant to pay to him the sum of N11,000, 000.00 under the guise of a property sale but refused to give to the Applicant, title documents to the property and physical possession of same only to allegedly sell off the same property to a third party . The Respondent did not file any defence to controvert the position of the Applicant. The law is trite that "facts admitted need no further proof". See LIMAN VS SOLOMON & ORS (2023) LPELR 61539 (CA) and OFFOR & ANOR VS STATE (2012) LPELR 19658 SC.

See also OKOEBOR V. POLICE COUNCIL & ORS (2003) LPELR-2458(SC) PER NIKI TOBI, JSC (P.22-23, PARAGRAPHS A-D).

But did the conduct of the Respondent amount to a contravention of Rule 1 of the Rules of Professional Conduct to be liable to be sanctioned? We have methodically examined the provision of the said Rule which provides: -

"A lawyer shall uphold and observe the rule of law, promote and foster the cause of justice, maintain a high standard of Professional Conduct and shall not engage in any conduct which is unbecoming of a Legal Practitioner."

The key words of the rule under consideration are, that for the Respondent to be liable to sanction for misconduct, it must be shown that he did not maintain a high standard of professional conduct in his relationship with the Applicant and he engaged in conduct which is unbecoming of a Legal Practitioner.

It can be seen from the case of the Applicant before the Committee and the Exhibits presented that the Respondent did not maintain a high standard of professional conduct in his relationship with the Applicant and he engaged in conduct unbecoming of a Legal Practitioner by receiving money from the Applicant for the purchase of a property but failing to hand over the title documents and physical possession of the property to the Applicant since 2020.

The Respondent has also shown disrespect to the Committee by abstaining from its proceedings despite being served with hearing notices.

CONCLUSION

In the circumstances of the foregoing, there is overwhelming and uncontroverted evidence that the Respondent received monies from the Applicant amounting to N11,000,000.00 for the purchase of a property which the Respondent himself offered for sale and tendered a Power of Attorney to show that he had authority to sell without passing title to the property to the Applicant or making a refund to the

Applicant of the sum which he paid for the property. We are of the humble conviction that the Respondent's action falls short of the provisions of Rule 1 of the Rules of Professional Conduct for Legal Practitioners.

DIRECTION

We, the legal Practitioners Disciplinary Committee, hereby find the Respondent, **MICHAEL OLALEKAN OLAWOYIN, ESQ.** with enrolment number **SCN106816**, guilty of infamous conduct in the course of performance of his duty as a legal practitioner contrary to **Rules 1** of the Rules of Professional Conduct for Legal Practitioners 2024 and punishable under Section 12(1) of the Legal Practitioners Act, Cap L11, LFN 2004 (as amended).

We are satisfied that the proper Order to make in the circumstances is to **DIRECT** as follows:

1. That the Respondent, **MICHAEL OLALEKAN OLAWOYIN, ESQ.** be and is hereby suspended from the Roll of Legal Practitioners and from engaging in the business of practicing law for a period of **FIVE YEARS** from the date of this **DIRECTION**.
2. The Respondent, **MICHAEL OLALEKAN OLAWOYIN, ESQ.** is also directed to refund the sum of N13,270,000 (Thirteen Million, Two Hundred and Seventy Thousand naira) only as shown in Exhibit 12.8 herein within 30 days from the date of this Direction.

The Chief Registrar of the Supreme Court is hereby **DIRECTED** to effect the above Order and to make a notation of this **DIRECTION** against the name of **MICHAEL OLALEKAN OLAWOYIN, ESQ.** on the Roll of Legal Practitioners.

This **ORDER** shall forthwith be brought to the attention of the Chief Registrar of the Supreme court. We further **ORDER** that **NOTICE** of this **DIRECTION** be immediately given and brought to the attention of the Respondent, the presence of the Respondent at the proceedings of this Committee where this **DIRECTION** is read shall be deemed to be sufficient personal service, by publication in any edition of the **PUNCH** Newspaper and also by publication in the Federal Gazette as required by law. Copies of this **DIRECTION** must be served on the President of the Nigerian

Bar Association who shall take steps to notify the General Council of the Bar, National Executive Committee of the Nigerian Bar Association, and other organs of the Nigerian Bar Association.

We also DIRECT that the entire judgment encompassing this DIRECTION shall be brought to the attention of their Lordships, the Chief Justice of Nigeria, the President of the Court of Appeal, President of the National Industrial Court, the Honourable Chief Judge of the High Court of FCT, Federal High Court and the High Courts of all other States of the Federation, the Grand Khadis and Presidents of the Customary Courts of Appeal of all States of the Federation and FCT, Sharia and Customary Courts of all the States of the Federation and heads of all other Courts wherein a legal practitioner is entitled to audience by virtue of his office as legal practitioner in Nigeria, the Attorney General of the Federation and the entire Attorneys General of the remaining 36 States of the Federation.

The Order shall also be served on the Inspector General of Police, Commissioners of Police in the other States of the Federation.

This shall be the DIRECTION of the Committee.

Dated at ABUJA this 20th day of January, 2025

Signed

1. HON. JUSTICE DR. ISHAQ BELLO, OFR.....CHAIRMAN
2. HON. JUSTICE O.O. DANIEL-KALIO, OFR, PJCA.....MEMBER
3. HON. JUSTICE HALIMA IBRAHIM ABDULMALIK, CJ NIGER.....MEMBER
4. DR. BEN URUCHI ODOH, AG EBONYI.....MEMBER
5. FIDELIS MNYIM, ESQ. AG BENUEMEMBER



“A lawyer who acts in contravention of the provision of chapter 1 of these Rules or fails to perform any of the duties imposed by that chapter commits professional misconduct and is liable to punishment as provided in the Legal Practitioners Act”.

On the whole, the Respondent was unable to debunk, successfully challenge or controvert the facts and the documentary evidence contained in the petition by his counter affidavit. In CHIEF G.O. ONWE & ORS V PASTOR EZE & ORS (2022) LPLER 57248 CA, the Court held:

“Where material depositions are not appropriately countered or contradicted, such depositions are deemed admitted. See LAWSON JACK V SPDC (2002) LPELR 1767 SC and OBUMSELI & ORS V UWAKWE (2019) LPELR 46937 SC”.

DIRECTION:

We hereby find the Respondent, **MR. GEORGE EUGENE HALLIDAY ESQ.** called to the Bar in 2009 with enrolment number SCN069530 guilty of professional misconduct in the performance of his duty as a Legal Practitioner contrary to Rules 1, 3 (b) and 30) of the Rules of Professional Conduct for Legal Practitioners.

We are satisfied that the proper order to make is to **DIRECT** that the Respondent, **MR. GEORGE EUGENE HALLIDAY ESQ.** be and

is hereby suspended from the Roll of Legal Practitioners for a period of **FOUR YEARS** from the date of this **DIRECTION**.

The Chief Registrar of the Supreme Court is hereby **DIRECTED** to effect the above Order and to make notation of this **DIRECTION** against the name of the Respondent **MR. GEORGE EUGENE HALLIDAY ESQ.** on the Roll of Legal Practitioners. This **ORDER** shall forthwith be brought to the attention of the Chief Registrar of the Supreme Court.

We further **ORDER** that **NOTICE** of this **DIRECTION** be immediately given and brought to the attention of the Respondent, the presence of the Respondent at the proceedings of this Committee where this **DIRECTION** is read shall be deemed to be sufficient personal service, by publication in any edition of the PUNCH Newspaper and also by publication in the Federal Gazette as required by law. Copies of this **DIRECTION** must be served on the President of the NBA, who shall take steps to notify the General Council of the Bar, the National Executive Committee of the NBA, and other organs of the NBA.

We also **DIRECT** that the entire judgment encompassing this **DIRECTION** shall be brought to the attention of their Lordships, the Chief Justice of Nigeria, the President of the Court of Appeal, President of the National Industrial Court, the Honorable Chief Judge of the High Court of FCT, the Federal High Court and the High Courts of all other States of the Federation, the Grand Kadis and Presidents of the Customary Courts of Appeal of all States of