

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

**COMPLAINT NO.: BB/LPDC/295/2020**

**BETWEEN**

**MONDAY OMON OJO**

**- APPLICANT**

**AND**

**EDWARD OSEGHAE**

**- RESPONDENT**

**CORAM**

- |   |                       |
|---|-----------------------|
| <b>1. HON. JUSTICE DR. ISHAQ BELLO, OFR.</b>  | <b>..... CHAIRMAN</b> |
| <b>2. AHMED MUSTAPHA GONIRI, ESQ.</b>         | <b>..... MEMBER</b>   |
| <b>3. MR. UMEH KALU, SAN</b>                  | <b>..... MEMBER</b>   |
| <b>4. EBENEZER OBEYA, ESQ.</b>                | <b>..... MEMBER</b>   |
| <b>5. HON. SULAIMAN USMAN, SAN, AG SOKOTO</b> | <b>..... MEMBER</b>   |

**FINAL DIRECTION**

**DELIVERED ON THE 8<sup>TH</sup> DAY OF MAY, 2023**

This matter was initiated via an Originating Application dated the 12<sup>th</sup> day of October, 2020 and filed at the Registry of this Committee on the 28<sup>th</sup> day of October, 2020. The Application herein was delivered by Monday Omon Ojo acting as Attorney of Eigbokhan Kingsley.

The facts of the complaint are that Mr. Eigbokhan Kingsley instructed the Respondent, a legal practitioner to perfect the title of his landed property at the Ministry of Lands, Alausa, Ikeja, Lagos State. Mr. Eigbokhan handed over relevant title documents relating to the said landed property to the Respondent as counsel. Some of the title documents that were handed over to the Respondent by Mr. Eigbokhan included:

- i. a copy of a Deed of Assignment dated 27<sup>th</sup> September, 2018
- ii. a Power of Attorney in respect of the landed property dated 14<sup>th</sup> May, 2019
- iii. Copies of receipts of payment made by Mr. Eigbokhan to the Estate Developers of the Estate – Homeland Realtors Ventures

In addition to Mr. Eigbokhan handing over these documents to the Respondent, he equally made payments to the Respondents on demand for part payment of property registration and survey fees totaling N 100, 000. The Respondent equally collected various sums of money totaling





N 405, 000 from Mr. Eigbokhan (his client) for one year Land Use payment, Building Approval and Property Development.

Following delays by the Respondent in updating Mr. Eigbokhan on the progress of the perfection of the title, he became suspicious of the Respondent in the due discharge of his obligations to him leading to a loss of confidence in his ability to deliver. On consistent demands for evidence of payment to the Lands Registry by Mr. Eigbokhan on the Respondent, the Respondent sent a copy of a Survey Plan to the Petitioner as evidence of work done.

The Petitioner further asserts that on a critical analysis of the Survey Plan procured by the Respondent as evidence of work done, it was discovered that the Survey Plan was a forgery and intended to deceive the Petitioner. The Petitioner gave details and particulars of the alleged forged Survey Plan as could be seen on the face of the documents.

The anomalies on the Survey Plan led to further inquiry on the Respondent's status as a legal practitioner which further revealed that the Respondent had long been operating on a false and deceitful office address. Inquiries made of the Respondent's given office address of 5<sup>th</sup> Floor, NIPOST Building, Obalende, Lagos showed that nobody knows him there as he has no office at the given office address.

Entreaties on the Respondent by the Petitioner to return the land title documents given to him and the various funds for processing the perfection of the land title documents were unheeded resulting to this Petition.

Available records from the proceedings in this matter clearly shows that the complaint is undefended. All processes meant for Respondent were served by means of substituted service on the application of the Applicant and on the orders of this Committee. There is evidence from the records and records of proceedings as contained in the affidavit of service sworn to by Monday Omon Ojo to the effect that upon the Order of the Committee made on the 14<sup>th</sup> day of July 2021 for an Order of substituted service of the originating processes in this proceedings, service of the originating processes was effected on the Respondent via email to the Respondent's email address and equally to the Respondent's Whatsapp number.

The affidavit of service of the originating processes equally shows that the originating processes were pasted on the notice boards of the High Court of Justice, Tadfawa Balewa Square, Lagos and the Nigerian Bar Association, Ikeja High Court Secretariat on August 17<sup>th</sup>, 2021. Attached to the affidavits of service were copies of photographs marked Exhibit Ojo B showing pictures of the originating processes and orders of the Committee for substituted service as pasted on the notice boards.



There is yet another affidavit of service sworn to by Monday Omon Ojo of counsel to the Petitioner evidencing substituted service on the Respondent of the Hearing Notice following an Order of this Committee made on the 14<sup>th</sup> day of July, 2021 directing substituted service of the Hearing Notice on the Respondent by pasting same on the 5<sup>th</sup> Floor, NIPOST Building, Obalende, Lagos and the Ikeja Branch Office of the Nigerian Bar Association. Exhibit D attached to the affidavit of service is another affidavit of service sent to the Petitioner's counsel by the Deputy Sheriff of the Lagos State High Court marked Exhibit Ojo C showing pictures of the pasting on the building as ordered.

An additional evidence of service marked Exhibit Ojo D is evidence of Hearing Notice sent to the Respondent's email address on the 18<sup>th</sup> day of November, 2022 by 4.21 pm. A copy of the said email sent to the Respondent is marked as Exhibit Ojo E. Finally, on the issue of service of processes on the Respondent is an affidavit of service sworn to on the 28<sup>th</sup> day of March, 2023 by Monday Omon Ojo of counsel to the Petitioners, evidencing yet another substituted service on the Respondent of the Hearing Notice and Final Written Address of the Petitioner as Ordered by this Committee by pasting same on a notice board by the Sheriff at the 5<sup>th</sup> Floor, NIPOST Building, Obalende, Lagos and the Ikeja Branch Secretariat of the Nigerian Bar Association. The said Sheriff took photographs of the pasted processes which were printed and exhibited as Exhibit Ojo F. Equally attached to the affidavit of service of counsel is the sworn affidavit of the Sheriff marked as Exhibit Ojo G.

In addition to the above means of substituted service on the Respondent is an email message sent to the Respondent's email address and whatsapp number containing the Petitioners Final Written Address and Hearing Notice as Ordered by this Committee marked as Exhibits Ojo H and Ojo I. Both email and whatsapp messages were sent to the Respondent on the 23<sup>rd</sup> day of March, 2023 at 2.25pm.

I have taken pains and time in enumerating the various forms and evidence of service of the originating processes and other processes in this proceedings on the Respondent in full realization of the essence of service of relevant processes on parties in proceedings such as this. Service, especially on the Respondent is fundamental and touches on the jurisdiction of the Committee to proceed with the hearing. Any proceedings conducted without service of the Originating processes on the Respondent is an exercise in futility. Proceedings without service on the adverse party denies such adverse party of fair hearing and such proceedings and any judgment derived therefrom is subject to being set aside and upturned on Appeal.

See **O & O Networks Ltd. v. Broad Comms. Ltd. (2021) 5 NWLR (Pt. 1770) 454 @ 492 [Paras. D – H]** where it was held that:



*"A party to a Suit has an inalienable right to be served with the Court processes. A violation of that right to a party equates with breach of his inviolable to fair hearing as entrenched in Section 36(1) of the Constitution, as amended. It must be stressed, pronto, that the right to service of court processes is sui juris."*

and **Emeka V. Okoroafor (2017) 11 NWLR (Pt. 1577) 410 @ 461** where it was held that:

*"it is therefore settled beyond dispute that the service of an originating process on a party to an action is a condition precedent to the exercise of the court's jurisdiction, as any party against whom a suit or process is filed has the right to know that a suit had been instituted against him, what the claims are and an opportunity to defend himself, if he has a defence thereto"*

See also **Ihedioha v. Okorocha (2016) 1 NWLR (Pt. 1492) 148 @ 179** where the Supreme Court held as follows:

*"I must emphasize that the service of process is an important aspect of the judicial process. Failure to serve a party with court process offends section 36(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). .... Any breach of this principle renders the proceedings a nullity"*

It is in the light of the foregoing that I have laboured in x-raying all the efforts employed in discharging this fundamental burden of service on the Respondent. It is more apt and necessary to devote ample time in satisfying myself that every attempt was made to bring the existence of this proceedings to the knowledge and notice of the Respondent, since the Complaint remains undefended despite the serial Orders for substituted service made by this Committee. Having satisfied myself that the Respondent has knowledge and notice of the pendency of this complaint and has decided not to put up an appearance in defence, I will proceed to consider the complaint of the Petitioner on the merit.

The Petitioner's case as earlier stated in the introductory paragraphs of this Direction borders on the Respondent's failure to discharge the legal services for which he was engaged by the Petitioner. The Respondent's failure to meet the obligations to the Petitioner as counsel led to the demand for the refund of the fees and money earlier paid to him for the perfection of allied land title documents. The Petitioner's incessant and constant demands on the Respondent for evidence of service delivery led to the Respondent procuring Survey Plans and other receipts which the Petitioner considered to be forged.

It is important to state at this stage that since the Respondent did not put up appearance and neither did he engage any counsel, the complaint presented by the Petitioner remains unchallenged and



uncontroverted. In the circumstance of the facts presented by the Petitioner being uncontroverted, this Committee has no option than to enter judgment in favour of the Petitioners.

However, we must state here that we do not possess the vires to inquire into the complaint of forgery of Survey Plans, as those are matters in the realm of criminality which the Committee does not possess the jurisdiction to entertain. See **Ndukwe V. LPDC (2007) 5 NWLR (Pt. 1026) 1 @ 28** where it was held as follows:

*“That apart, by the provisions of section 10 of the Legal Practitioners Act, the 1<sup>st</sup> Respondent was established to exercise and does exercise disciplinary jurisdiction over members of the legal profession. The 1<sup>st</sup> respondent has no jurisdiction to try criminal cases neither has it ever pretended to have such jurisdiction by even attempting to exercise it.”*

It is obvious from the facts of this Complaint that there was a lawyer – client relationship between the Petitioner and the Respondent in this matter. The Respondent’s services were engaged by the Petitioner for the performance of ascertained legal services. There is evidence that the Respondent failed woefully in the discharge of the legal service and in fact did not present any evidence of delivery of the service. This act of non – performance offends Rules 1 and 14 of the Rules of Professional Conduct for Legal Practitioners.

I find the conduct of the Respondent irresponsible and condemnable. It is the attitude of legal practitioners like the Respondent that portrays the legal profession in bad light.

### **DIRECTION**

We the Legal Practitioners Disciplinary Committee hereby find the Respondent EDWARD OSEGHAE, ESQ **LIABLE** of infamous conduct in a professional manner as alleged in the Originating Application filed by the Applicants.

We are satisfied that the proper order to make in the circumstance is to DIRECT that Respondent EDWARD OSEGHAE, 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 TWO 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 a notation of this

DIRECTION against the name of the Respondent EDWARD OSEGHLE, 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 also be served on the president of the Nigerian Bar Association who will take steps to notify the General Council of the Bar, National Executive Committee of the Nigerian Bar Association, 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 Honourable Chief Judges of the High Court of FCT, Federal High Court and the High Courts of all other States of the Federation, President of the Customary Court of Appeal of all 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 the Police, Commissioners of Police in the other States of the Federation.

We further ORDER that the RESPONDENT, EDWARD OSEGHLE refunds forthwith, the sum of N405,000.00 to the Petitioner.

We make no Order as to costs.

This shall be the Direction of this Committee.

Dated at Abuja, this 8<sup>th</sup> day of May, 2023



SIGNED

1. HON. JUSTICE DR. ISHAQ BELLO, OFR.
2. AHMED MUSTAPHA GONIRI, ESQ.
3. EBENEZER OBEYA, ESQ.
4. HON. SULAIMA N USMAN, SAN, AG SOKOTO
5. MR. UMEH KALU, SAN

..... CHAIRMAN  
..... MEMBER  
..... MEMBER  
..... MEMBER  
..... MEMBER



**IN THE LEGAL PRACTITIONERS DISCIPLINARY COMMITTEE**

**HOLDEN AT ABUJA**

**COMPLAINT NO.: BB/LPDC/356/2020**

**BETWEEN:**

**OGHENE PELA**

**..... APPLICANT**

**AND**

**MIKE ADINYE, ESQ.**



**..... RESPONDENT**

**CORAM:**

1. AHMED MUSTAPHA GONIRI, ESQ. (LIFE BENCHER) .... PRESIDING MEMBER
2. HON. JUSTICE AISHA BASHIR ALIYU (CJ NASSARAWA) ... MEMBER
3. HON. JUSTICE HALIMA I. ABDULMALIK (CJ NIGER) ..... MEMBER
4. EBENEZER OBEYA, ESQ (LIFE BENCHER) ..... MEMBER
5. MR. UMEH KALU, SAN (LIFE BENCHER) ..... MEMBER

**FINAL DIRECTION**

This Direction is a product of the Originating Application filed on the 15<sup>th</sup> day of November, 2020, by the Applicant at the Registry of this Committee. The Application is accompanied with a Statement in Support of Complaint together with an affidavit in support deposed to by the Applicant himself. There are four (4) exhibits attached to this affidavit, numbered A – D.

The Applicant equally filed a supplementary statement pursuant to Rule 6 Paragraphs 1 and 2 of the rules of this Committee on the 27<sup>th</sup> day of May, 2021. Attached to this supplementary statement is an affidavit of twenty – six (26) paragraphs deposed to by the Applicant. Reference is made in paragraph 25 of the said affidavit to serial exhibits marked as A – R.



There is equally a further affidavit deposed to on the 20<sup>th</sup> day of August, 2021 containing Seven (7) paragraphs. In further support of the Application is an additional witness statement on oath made and deposed to by one Mr. Osaghae Osamwonyi dated 28<sup>th</sup> November, 2022.

On the part of the Respondent, he filed a Respondent's counter affidavit in opposition to the Applicant's Originating Application deposed to by himself on the 12<sup>th</sup> day of February, 2021 and another Respondent's counter affidavit deposed to in August, 2021. There is yet another counter affidavit deposed to by one Chukwuledum Uneke filed on the 4<sup>th</sup> day of August, 2021.

### **Summary of facts leading to the Application:**

The facts leading to this Application evolved out of a land acquisition transaction wherein the Applicant engaged the services of the Respondent as solicitor to conduct a Legal Search on the intended land for purchase, which transaction eventually led to humongous loss of money by the Applicant resulting from a defect in title.

Applicant states that he relied on the professional expertise of the Respondent, especially, as it relates to the Legal Search for which he was engaged, and, equally alleges that Respondent did not only mislead him by advising him to purchase a property that had obvious defects in title, but equally connived with the agents who led him into the ill – fated land purchase by benefitting from the agency fees paid to the said agents.

Before we proceed into the hearing of the matter, it is important that we mention that the previous proceedings in respect of this Application were discarded at the reconstitution of the previous Committee and hearing of the matter commenced *de novo*. The hearing of this matter commenced before this extant panel of the Committee on the 3<sup>rd</sup> day of October, 2023.



### **Case of the Applicant:**

At the said hearing, Applicant's Counsel identified the Applicant's processes consisting of a Statement in Support of Complaint together with an affidavit in support, deposed to by the Applicant on the 10<sup>th</sup> day of November, 2020. He equally drew the attention of the Committee to the four (4) exhibits attached to the said affidavit. Counsel equally identified the Applicant's supplementary statement filed pursuant to Rule 6 Paragraphs 1 and 2 of the Rules of this Committee, on the 27<sup>th</sup> day of May, 2021.

This statement has an affidavit of twenty – six (26) paragraphs attached to it. Equally attached to this twenty – six (26) paragraph affidavit are exhibits marked A – R, as referred to in paragraph 25 of the said affidavit. The Committee's attention was equally drawn to a further affidavit of seven (7) paragraphs dated 20<sup>th</sup> August, 2021, with five (5) exhibits attached thereto. Finally, on the list of Applicant's processes is a witness statement on oath made on the 28<sup>th</sup> day of November, 2022 by one Mr. Osaghae Osamwonyi.

The Applicant adopted and relied on these processes in proof of his case against the Respondent and urged the Committee to grant the reliefs as contained in his Application. At the hearing, the Applicant presented five (5) witnesses in support of his case, styled PW 1 – PW 5.

PW 1 is one Mohammed Adamu who introduced himself as an Assistant Superintendent of Police with the Economic and Financial Crimes Commission (EFCC), and, he is attached to the Abuja Command of the Commission. PW 1 affirms knowing the Applicant and also the Respondent. He stated that he came into contact with both parties in the course of investigating a Petition written by the Applicant to the EFCC



against one Chris Nwokolo, over a complaint of obtaining the sum of seventy – two million, three hundred thousand Naira (N 72, 300, 000) under false pretense.

PW 1 stated that the conspirators as alleged by the Applicant included the Respondent, who was accused of having worked in concert with the agents in a land transaction, to deprive the Applicant of his hard earned money. PW 1 said that the EFCC however abandoned the matter midway on discovering that the Nigeria Police Force were equally investigating the matter, but not before arriving to their finding that the Respondent took part in sharing part of the agency fee, which was paid for the land transaction with one David Osaghe.

The Applicant's next witness is PW 2 – Dawud Muhammad Dawud. PW 2 introduced himself as a police officer attached to MOPOL 24 NPMF. He affirms knowing both parties in this complaint and got to know them between 2017 – 2021 as a Police investigator and team leader in the IGP Monitoring Unit, Force Headquarters, Abuja. He said that following the endorsement to his team, of a Petition written by the Applicant herein alleging that he had been fraudulently deprived of some amount of money by some fraudsters over a land transaction, he went into investigation with his team members. He affirmed that it was in the course of investigating and tracking the six million Naira (N 6, 000, 000) paid by Chief Chris Nwokolo to the agents that the name of the Respondent cropped up as a beneficiary of part of the agency fee.

PW 2 mentioned the names of the other agents who shared the six million Naira (N 6, 000, 000) at one million five hundred thousand Naira (N 1, 500, 000) apiece, to include Osaghe, Rueben and David. He stated that the Respondent confirmed receipt of the one million five hundred



thousand Naira (N 1, 500, 000) from the other agents, but Respondent claimed that it was a loan.

PW 3 is one David Jacob who stated that he is a realtor and lives in Kubwa – Abuja. He affirmed knowing the Applicant and Respondent in this proceedings and equally one Mr. Chris Nwokolo, the major actor in the land transaction. He said the agency fee was paid by Mr. Chris Nwokolo and that he got one million five hundred thousand Naira (N 1, 500, 000) but cannot state how much was paid to the Respondent.

PW 4 was the Applicant himself. He adopted his various affidavits and equally stated that he engaged the Respondent to conduct a Legal Search on a property, for which service he paid the Respondent.

One Ignatius Jonathan Chukwube appeared before the Committee as a subpoenaed witness. He identified himself as a staff of Access Bank, Aminu Kano Branch, Wuse 2, Abuja. He was abruptly withdrawn following his inability to produce evidence of his employment with Access Bank.

PW 5 – Hon. Omang C. Omang – is a legal practitioner and a member of the Cross River State House of Assembly. He affirms knowing the Applicant and the Respondent. He said that both the Respondent and himself practice law in the same premises, but have their different offices. He denies being involved in the transaction that led to these proceedings. He accepts knowledge of the seal on the processes prepared by the Respondent and accepts having collaborated with the Respondent on different areas of law practice.

Another subpoenaed witness Merry Fiyinfoluwa is a banker with Access Bank Plc and attached to the Aminu Kano Branch, Wuse 2, Abuja. She presented statement of account from Access Bank Plc. showing monetary transactions in the Applicant's account in respect of the land transaction.



These statements of account were admitted and marked as "Pela 2", "Pela 3", "Pela 4" and "Pela 5". This witness' testimony brought the Applicant's case to a close.

### **Case of the Respondent**

For the Respondent, his Counsel adopted his counter affidavit of 4<sup>th</sup> August, 2021 and equally that of Chukwuledum Uneke and sought to rely on them in opposition to the Application. The Respondent under cross examination affirmed having testified before the disbanded panel and equally admits collecting one million five hundred thousand Naira (N 1, 500, 000) out of the six million Naira (N 6, 000, 000) paid to the agents in the land transaction by Chris Nwokolo. He denies having led the Respondent to part with his money and that he acted in good faith.

Shortly after the cross examination of the Respondent on the 24<sup>th</sup> day of April, 2024, the matter was adjourned to 5<sup>th</sup> June, 2024. Proceedings took a new turn as the Respondent could not present himself for continuation of cross examination due to a sudden hemorrhagic stroke attack on him. Though no medical report was presented, the Committee could not proceed further with the cross examination due to the persistent absence of the Respondent on further adjourned dates.

At the Committees sitting of 29<sup>th</sup> October, 2024 both Counsel to the Applicant and Respondent agreed to dispense with further cross examination of the Respondent, thereby necessitating the Respondent closing his case and the Committees adjournment to 25<sup>th</sup> November, 2024 for adoption of Final Written Addresses.

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### **Findings and Conclusion:**

At the resumed hearing on 25<sup>th</sup> November, 2024, both Counsel to the Applicant and the Respondent having not filed their Final Written Addresses were both foreclosed from filing same and the matter was adjourned for Direction.

Before we proceed to determine this Application, there are certain issues which we need to address before concluding this Direction i.e. the sudden illness of the Respondent that led to the non – conclusion of his cross – examination and also the fact that both Counsel for the parties were foreclosed from filing Written Addresses.

These issues though might be procedurally necessary, but we consider them not indispensable in arriving at our findings on all the issues that have presented themselves for consideration in this proceeding. This is so because certain salient facts bothering on the conduct of the Respondent in these proceedings had at the time of his sudden indisposition for further cross examination been determined, from the documentary evidence made available to us and the oral evidence adduced up to that point.

The Rules of the LPDC are couched to sustain substantial justice in any case before the Committee and the committee is enjoined not to allow procedural irregularity to overcome substantial justice. See **Mr. John Okuma V. Chief C.O.C Akaolisa** reported at **page 311 in Volume 5 of the Directions and Rulings of the LPDC January 2019 – September 2021.**

It is also important to state here that this Committee is a fact finding Committee that is strictly guided by the LPDC Rules, which overall objective is to achieve substantial justice in the determination of the



issues presented before it, based on the merits of the case. The objective of the Committee may be determined even in the absence of the Written Addresses of Counsel.

This Committee is obligated by the law to inquire into the evidence before us and ascertain if there is merit in the complaint or whether the Respondent has been successful in deflecting the prima facie case said to have been made against him at the commencement of proceedings before the committee. See **N.B.A V. Dele Ajasa** reported at **page 545 in Volume 4 of the Directions and Rulings of the LPDC May 2014 – July 2018**.

Of prime importance to us in this regard is the issue of Respondent's admission of participation in the sharing of the agency fee of six million Naira (N 6, 000, 000) paid by Chirs Nwokolo to the agents, while still retaining his position as solicitor to the buyer. This issue has been proved on the contending affidavit evidence of parties at the close of pleadings, even without oral evidence. It is trite law that facts that have been admitted need no further proof. See **NAFDAC V. Reagan Industries (2019) 17 NWLR (Pt. 1700) 1** and **Clean Credential Ltd. V. I.T.F Governing Council (2019) 17 NWLR (Pt. 1701) 318**

Having stated the above, we shall now proceed to determine the Originating Application filed by the Applicant based on the facts and evidence presented by the parties. It is trite that the general responsibility of a lawyer as provided in Rule 1 of the Rules of Professional Conduct for Legal Practitioners (RPC) 2023 is that 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 perused the processes before us and equally examined the evidence adduced and the testimonies of the witnesses presented by the parties diligently, and, have formulated a sole issue for determination, to wit:

***“Whether from the fact and circumstances of this Application and the conduct of Respondent, it can be inferred that the Respondent is guilty of Professional Misconduct?”***

In our view, from the evidence before us, the complaint against the Respondent is predicated on Rules 1, 14, 16, 17 and 23 of the RPC 2023 which deals with the general responsibilities of a lawyer, conflict of interest and diligence in the handling of a client's case by a lawyer.

By virtue of Rule 1 of the RPC 2023, a lawyer shall uphold and observe the rule of law and not engage in any conduct which is unbecoming of a legal practitioner. Rules 14 and 16 of the RPC 2023 enjoins a lawyer to exhibit diligence in the discharge of his duties to his client. Furthermore, Rule 17(1) of the RPC 2023 provides that a lawyer in the discharge of his duties shall declare to his client his relationship with the parties and any interest which may influence his duties. Finally, Rule 23 of the RPC 2023 provides that a lawyer shall not do any act which takes advantage of the confidence reposed in him for his personal benefit.

In the instant case, as can be deciphered from the facts and circumstances leading to this Application, as summarized in the course of this Direction and the evidence on the record it is obvious that the Applicant engaged the Respondent's services as a legal practitioner for the purposes of completing the purchase of a landed property.

It is also on record that the Applicant acting on the counsel and assurance of the Respondent and his Legal Search on the said property, proceeded



to make payment for the property in the sum of seventy – two million, three hundred thousand Naira (N 72, 300, 000) and a further six million Naira (N 6, 000, 000) as agency fees.

The records equally show that the said transaction eventually led to substantial loss of money by the Applicant, as a result of a defect in title which the Applicant's Legal Search did not disclose. The Respondent did not only advise the Applicant to proceed with the purchase of the property, but equally shared in the proceeds of the agency fee paid to the supposed sellers agents.

The testimonies of both the PW 1 (EFCC investigator) and PW 2 (Police investigator) indict the Respondent as being complicit in the transaction. The investigations by both PW 1 and PW 2 show that the Respondent was paid the sum of one million five hundred thousand Naira (N 1, 500, 000) by the property agents from the six million Naira (N 6, 000, 000) which they received from Mr. Chris Nwokolo. The Respondent equally admitted receiving this sum of money from the agents, but stated that it was collected as a loan.

We have carefully considered the evidence adduced by the parties before us and are of the considered view that for the actions of the Respondent to amount to professional misconduct, such actions must be such that, in the opinion of the Committee will bring the legal profession into disrepute and reasonably incur the strong reprobation of professional brethren of good repute and competence. Please see **N.B.A V. Ntiero (2013) 18 NWLR (Pt. 1386) 431 @ 451 – 452.**

There is no doubt whatsoever that in any sales transaction, especially in real estate, there must be a buyer and a seller. Agents are usually introduced to coordinate the activities of the transaction which normally

ends with the parting of money from the buyer to the seller. Agents who can equally be called middlemen are oftentimes entitled to a fee which in the instant case has been rightly referred to, in our view, as agency fee.

The evidence before us clearly shows that the Respondent was introduced into the entire transaction by the Applicant who engaged him as solicitor for the purposes of conducting a legal search for the Applicant, as evinced by Exhibit A attached to the affidavit in support of the complaint, the payment receipt issued by the Respondent. To this end, we have no doubt in accepting the fact that the Applicant having paid Search Fees to the Respondent, has fully engaged him and the Respondent owes the Applicant a duty to ensure that he renders full professional services to the Respondent.

The uncontroverted evidence of the Respondent sharing in the six million Naira (N 6, 000, 000) paid by the supposed seller, Chris Nwokolo to the other three (3) agents, clearly shows that the Respondent was acting in two (2) fronts. The Respondent while acting as solicitor for the Applicant was equally acting as an agent for Chirs Nwokolo, the supposed seller. This to say the least amounts to conflict of interest and a breach of trust by the Respondent moreso when subsequent events have shown that the title of the seller (Chris Nwokolo) was defective.

We need not go too far in arriving at the conclusion that the Respondent's vision in conducting a proper Legal Search would have been blurred by his innate desire to consummate the purchase transaction in order to participate, as he did, in the agency fee of six million Naira (N 6, 000, 000). It is condemnable and reprehensible for Counsel, without full disclosure, to act for both parties in the same transaction.

**CERTIFIED TRUE COPY**



The Respondent on his own admitted having collected the sum of one million five hundred thousand Naira (N 1, 500, 000) though he tried to present an unconvincing reason that the said sum was a loan from one of the agents. The EFCC and the Nigeria Police Force as contained in the evidence of PW 1 and PW 2 clearly indicted the Respondent of complicity in hoodwinking the Applicant to part with the sum of over seventy – two million Naira (N 72, 000, 000) for a non – existent property.

The unchallenged evidence of PW 1 and PW 2 coupled with the evidence of the Applicant himself and the other subpoenaed witnesses all point to the dismal performance of the Respondent in the discharge of his professional duties to the Applicant and a breach of trust contrary to Rules 14, 16 and 17 of the RPC 2023.

The other issue which the Applicant presented in his Application which fact was equally emphasized in the course of the hearing is the allegation that the Respondent misled the Applicant as to his qualification to practice law at that material time as he signed documents in his name while using the stamp/seal of another lawyer. A look at Exhibit B clearly shows a search application made to the Director Lands, Abuja Geographic Information Center AGIS dated 4<sup>th</sup> February, 2019, in respect of the subject property.

The said exhibit shows the name of the Respondent with his signature and phone number at the left hand side of the Application, while on the right hand side is the lawyer's stamp/seal of Omang C. Omang. The Applicant on the basis of the foregoing, queries the qualification of the Respondent as a legal practitioner and equally alludes to the fact that he was deceived as to the professional qualification of the Respondent.



## **DIRECTION:**

We, the legal Practitioners Disciplinary Committee, hereby find the Respondent, **MIKE PATRICK ADINYE, ESQ.** a lawyer called to the Bar in 2005, with enrolment number SCN046192, guilty of infamous conduct in the course of performance of his duty as a legal practitioner contrary to **Rules 1, 14, 16, 17 and 23** 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 **MIKE PATRICK ADINYE, 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 **THREE 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 a notation of this **DIRECTION** against the name of **MIKE PATRICK ADINYE, 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.



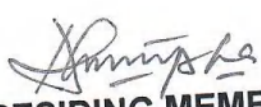
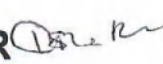
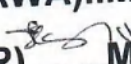
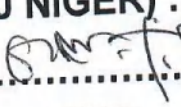

We also DIRECT that the entire judgment encompassing this DIRECTION shall be brought to the attention of their Lordships, the Chief Justice of Nigeria, the President of the Court of Appeal, President of the National Industrial Court, the Honourable Chief Judge of the High Court of FCT, Federal High Court 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 19<sup>th</sup> day of December, 2024**

**SIGNED**

1. AHMED MUSTAPHA GONIRI, ESQ. (LIFE BENCHER) .... PRESIDING MEMBER 
2. HON. JUSTICE AISHA BASHIR ALIYU (C.J NASARAWA)..MEMBER 
3. HON. JUSTICE HALIMA I. ABDULMALIK (C.J NIGER) .....MEMBER 
4. CHIEF UMEH KALU, SAN (LIFE BENCHER) .....MEMBER 
5. EBENEZER OBEYA, ESQ (LIFE BENCHER) .....MEMBER 

**APPEARANCES**

Olusoji Toki, Esq for the Applicant

Aniah Ikwen, Esq for the Respondent

