# IN THE MATTER OF THE LEGAL PRACTITIONERS ACT 2004 IN THE LEGAL PRACTITIONERS DISCIPLINARY COMMITTEE

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Registrar ZIBALB KATUNG

(BODY OF BENCHERS)
HOLDEN AT ABUJA

BB/LPDC/390/2020

#### BEFORE:

1.HON. JUSTICE (DR.) ISHAQ BELLO, OFR (Rtd) - CHAIRMAN
2.HON. JUSTICE AISHA BASHIR ALIYU (C. J. NASARAWA) - MEMBER
3.AHMED MUSTAPHA GONIRI ESQ. - MEMBER
4.EBENEZER OBEYA ESQ - MEMBER
5.OBAFEMI ADEWALE ESQ, SAN - MEMBER

BETWEEN
MR UCHE C. JOSEPH NJOKU

**APPLICANT** 

AND

PRINCE ONWENIEKE WILLIAMS-JOEL ESQ RESPONDENT

# DIRECTIONS DELIVERED BY OBAFEMI ADEWALE ESQ, SAN

The Applicant herein, Mr. Uche Prince Njoku, vide his originating Application dated 23<sup>rd</sup> December, 2020 and filed at the Registry of the Committee on 29<sup>th</sup> December, 2020 against the Respondent, Prince Onwenieke Williams-Joel (hereinafter called Prince Joel) a legal practitioner with his name on the Roll of Legal Practitioners at the Supreme Court of Nigeria, a complaint of breach of the rules of professional conduct and acts unbecoming of a legal practitioner.

The Application was supported by a statement of facts sworn to on the 17<sup>th</sup> of December, 2020. Same was accompanied by various documents contained in Vols 1 of 1 and 2 of 2.

The Respondent, Prince Joel in his Defence filed his Response dated 15<sup>th</sup> April, 2021 but filed at the Registry on the 17<sup>th</sup> April, 2021 and attached several documents and therein denied all the Applicant's allegations against him.

The Applicant, on 06/09/2021 filed a sworn statement in response to the Respondent's Defence and attached several documents in rebuttal of the defence offered by the Respondent. The Respondent, on July 12, 2023 also filed a FURTHER RESPONSE to the Applicant's response to his Defence.

#### **BACKGROUND FACTS:**

The Applicant a real estate entrepreneur, whilst based in Hong Kong, engaged the services of the Respondent to be his lawyer and lawful Attorney in a series of real estate transactions in Nigeria. The relationship was formalized vide a Power of Attorney dated 15<sup>th</sup> December, 2017 donated jointly by the Applicant to the Respondent and one Mouneke Obianuju P.

The Respondent thereafter handled many real estate transactions for the Applicant including but not limited to the Akodo Land and the Epe Land. The failure of the Respondent to deliver on the Akodo and Epe lands formed the basis of the Applicant's petition filed against the Respondent at the Registry of the Committee on 29<sup>th</sup> December, 2020.

The complaint of the Applicant was that the Respondent in March 2017, collected a total sum of **N22,500,000 (Twenty Two Million, Five Hundred Thousand Naira)** in two tranches of N12,000,000.00 (Twelve Million Naira) and N10,500,000 (Ten Million Five Hundred Thousand Naira) respectively to facilitate the survey of the large expenses of land of Akodo and Epe both in Lagos State.

Applicant alleged that the Respondent

- Neither delivered the survey or evidence of lodgment of same with the Surveyor General's office
- 2. Nor did he account for the funds paid to him for that purpose.
- 3. Respondent presented a false/forged survey record copy.
- Filed petitions/reports with Police and EFCC without the prior consent of his client – the Applicant.
- Presented false land title documents to his client, the Applicant



- 6. Abused his client's trust through lack of transparency in handling his client's funds thus resulting in professional misconduct. For example from March – September 2017, Applicant claimed he disbursed over N150m to the Respondent in order to execute his real estate projects and that the Respondent was unable to properly account for the funds.
- 7. Respondent moved office to a more expensive one and failed to inform the Applicant - an action the Applicant claimed raised a suspicion on the part of the Applicant that the Respondent converted his (Applicant's) funds to his (Respondent) use fraudulently.

Applicant alleged that Respondent had breached Rules 14, 15, 16, 17, 18 and 23 RPC

Applicant reported the matter to EFCC after several failed attempts to get an account from the Respondent.

The Agency recovered N5,500,000.00, established that Respondent paid N12,000,000 (Twelve Million Naira) to a surveyor, with N4,500,000.00 outstanding, unrecovered.

8. Petitioner further alleged that Respondent acted as an AGENT, selling and managing land in breach of Rule 7(3) RPC and that Respondent runs a real estate company "DIASPORA LAKEVIEW ESTATE" along with his law practice.

#### TRIAL

The Applicant on his part filed the following process

- Originating Application dated 23<sup>rd</sup> December, 2020 and filed on 29-12-2020. A verifying affidavit sworn to on 17<sup>th</sup> December, 2020, was filed along with the Application.
- Attachments compiled in two volumes numbered as volume 1 of 1 and Vol. 2 of 2.
- 3. Response to the Respondent's Defence dated 16<sup>th</sup> September 2021
- Response to the Respondent's reply dated 12<sup>th</sup> July 2023 together with Annexures including a flash drive marked Annexure 8.

The Respondent on his part filed the following processes:

- 1. Defence to the Applicant's petition dated 17th May, 2020
- 2. Annexures marked PJA1- PJA 18
- Sworn Affidavit of Ganiyu Adedeji Olowa
- 4. Sworn Affidavit of Mr. T.O. Onoshokun
- 5. Respondent's Reply to Applicant's response to the Respondent's Defence filed on 12<sup>th</sup> July, 2023.

The matter went to trial. The parties adopted their various processes as listed above. Both the Applicant and the Respondent testified and were both cross examined. The Respondent

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subpoenaed the surveyor, Mr. Taiwo Aderoju. However, on 02/09/2024 (when the said Mr. Taiwo Aderoju appeared before the Committee, Counsel to the Respondent sent a message asking for a date to file his final written address as he was no longer interested in putting the surveyor in the witness box.

### **EVALUATION OF EVIDENCE**

At the close of trial, parties were directed to file their final written addresses.

The Respondent filed his final written address on 9<sup>th</sup> October, 2024. The Applicant filed his on 17<sup>th</sup> October 2024 whilst the Respondent filed a reply on points of law on 25<sup>th</sup> October, 2024.

On 28/10/2024, Counsel adopted their respective final written addresses and the matter was adjourned for Direction.

## **ISSUES FOR DETERMINATION**

In his final written address, Counsel to the Applicant Emmanuel
Oni Esq, formulated a sole issue for determination by the
Committee to with:

"Whether by the totality of the evidence presented before this Honourable Committee, the Respondent in his capacity as legal practitioner and attorney to the Applicant did not violate Rules 3(1)(a)(b), 4, 7(2)(a)(b)(c), 14(1)(2)(a)(b)(c)(d),

15(1)(3)(a)(g), 16, 17(2), 19(1)(2)(a)(b)(c) and 23(1)(2) of the RPC 2007 and therefore liable to be sanctioned by this Honourable Committee under Section 12(1) of the LPA as reversed?"

The Respondent final written address was settled by Abdulazeez Bello Pyawu Esq. In it, Counsel formulated seven issues for determination by the Committee as follows:

- Whether the Applicant has proved her (sic) case of professional misconduct and/or infamous conduct against the Respondent.
- ii. Whether the Respondent cannot account for the funds disbursed?
- iii. Whether the Respondent stole petitioner's money?
- iv. Whether the Respondent delivered a forged/fake document to the Applicant?
- v. Whether this Honourable Committee can attach any weight to the Annexures submitted by the Petitioner in the circumstances of this case?
- vi. Whether the Respondent's charge of name amount to a Professional Misconduct in the circumstances of this case?
- vii. Whether the discrepancies as to the size of land in the excision gazette and the survey plan was caused by the Respondent in the circumstances of this case?

We consider the sole issue formulated by the learned Counsel to the Applicant as all-encompassing and therefore adopt same for the purposes of determining this petition.

In his address, counsel to the Respondent argued that the Respondent had not breached the Rules of Professional Conduct for legal practitioners (RPC). He submitted that all the Respondent did, including the employment of a surveyor and representing the Petitioner in some real estate investment projects were in line with his duties as a legal Attorney donated by the Applicant to the Respondent and Mouneke Obianuju P. jointly. He submitted that Exhibits PJA 2,3,4,5,8 and 11 were evidence that the Respondent had done in discharging his duty to ensure that the Petitioner did not acquire an encumbered land and he urged the Committee to so hold.

Counsel for the Respondent submitted that the Petitioner had not placed anything before the Committee to show that the Respondent actually manufactured forged/fake the surveyors or any other document delivered that the Respondent was not the maker of the survey report, Annexure 4. He urged us to so hold.

On the flash above, Annexure 8, Respondent's Counsel submitted that same was fabricated and that in any case the Applicant did not comply with the admissibility requirements of SS-84 and 258 of the Evidence Act in tendering same.

He urged us to discountenance Annexure 8, as being too remote to be relevant and for us being properly tendered, we are satisfied at Annexure 8 has no fundamental relevance to the case before us as there are other evidence.

Counsel for the Respondent urged the Committee to hold that the Respondent has a liberty to change his name at any point in life and that doing so could not amount to professional misconduct or fraudulent act. We so hold.

Finally, the Respondent argued that the discrepancies as to the size of the land in the excision gazette and the survey plan was not caused by the Respondent and that such could not be held liable for an administrative oversight which the petitioner was fully aware from the inception of the transaction. With due respect, we are unable to accede to this submission. The case of the petitioner before us was whether the Respondent exercise diligence sufficiently to discover the true price of the land before persuading the Applicant to acquire same and not whether the Respondent was the maker of the documents.

As stated earlier learned Counsel for the Applicant Emmanuel Oni Esq submitted a soul issue for determination of the application to wit. "Whether by the totality of the evidence presented before this Honourable Committee, the Respondent in his capacity as legal practitioner and attorney to the Applicant did not violate Rules 3(1)(a)(b), 4, 7(2)(a)(b)(c), 14(1)(2)(a)(b)(c)(d), 15(1)(3)(a)(g), 16, 17(2), 19(1)(2)(a)(b)(c) and 23(1)(2) of the RPC 2007 and therefore, liable to be sanctioned by Honourable Committee under 8(12)(1) LPA as Reversed?"

In arguing the sole issue, learned Counsel referred to several authorities and the various pieces of evidence both oral and documentary presented therefore the committee and summarized the case of the Applicant as follows:

- The Respondent violated Rule 23 (1) of the RPC 2007, and breached the confidence reposed on him by the Applicant when he knowingly inflated the transaction cost for the Akodo and Epe Lands by an excess of N10,000,000 (Ten Million Naira).
- 2. The Respondent violated Rule 15(3)(g) RPC 2007, when he made a false statement of fact to the Police alleging that Surveyor Taiwo Aderoju stole and converted the sum of N22, 500,000 from the Applicant when he knew that he only paid the said Surveyor the sum of N12,500, 000 only.

- 3. The Respondent violated **Rule 1** of the RPC 2007 and brought the legal profession to disrepute when he failed to caution himself and promptly remedy his misconduct by refunding the excess of N10,000,000 due to his client from the Akodo and Epe Land transactions, thereby causing his client to report him to a policing agency i.e. the EFCC where he made a partrefund of the said sum. Respondent has a duty to refund to the Applicant the outstanding sum of N4,500, 000.
- 4. The Respondent violated **Rule 23 (2)** of the RPC 2007 when he failed to render proper and detailed account of his disbursement of Applicant's sum of N150,000,000 (One Hundred and Fifty Million Naira) received by the Respondent for the acquisition of properties and establishment of a business office for the Applicant. Respondent is still bound to render detailed account of his services to the Applicant as requested since May 2018.
- 5. The Respondent violated **Rule 14 (2)** (a) and (b) RPC 2007 when he failed to consult with his client prior to filing the Police complaint about the alleged stealing by Surveyor Taiwo Aderoju, and further refused to promptly inform the Applicant of the same petition after its submission. The Respondent's blatant refusal to promptly deliver a copy of the Complaint to the Police and the EFCC to the Applicant offends **Rule 14 (1) (d)** RPC 2007.

- 6. By insisting to the Applicant that his complaint to the police and the EFCC against surveyor Taiwo Aderoju was his personal case and not that of the Applicant, the Respondent violated Rule 17(3) RPC 2007 where he claimed the proprietary interest in his client's property i.e. the alleged stolen funds.
- 7. The Respondent violated Rule 19(1) and (2) RPC 2007, and breached the duty to keep his client's information and secrets privileged when without the consent of the Applicant he involved PWAN Group in the business of the Applicant including negotiating a 'sale' of the Applicant's land case to the said PWAN Group. Further, by allowing himself and his services to be controlled by PWAN Group in the representation of his client, the Respondent violated Rule 3 (1) (b) of the RPC 2007.
- 8. Respondent violated Rule 16(1) (a) and (b) RPC 2007, when he accepted Applicant's brief relating to acquisition of properties knowing that he had little or no knowledge in that sector and was not adequately prepared to handle same.
- The Respondent violated Rule 14 (1) RPC 2007 when by failing to show diligence and devotion to the service of his

A before presenting same to his client as a registered Survey Report for the failed Akodo land transaction. The Respondent also failed to exercise diligence in the Vine Estate land transaction when he failed to draw his attention to the fact that survey report presented by the Onoshoko family was made in the year 2004 prior to the excision exercise of 2007, and that same report claimed ownership of more than 143 Hectares of land in Ojuota Village over and above the 13.63 Hectares excised by the Lagos State Government for the said village.

- 10. The Respondent violated Rule 7(1) and (2) RPC 2007, and engaged in business incompatible with law practice when he: (i) accepted an appointment of a property manager for Applicant's properties, (iii) scouted and touted the Akodo and Epe lands to the Applicant, and (c) held himself out to sell and market the business of Berkley Properties Investment Limited to potential purchasers in the United Kingdom contrary to his client's instruction.
- 11. By accepting a joint appointment as attorney to the Applicant with Mouneke Obianuju P of Ujunwa Estates Services, thereby aiding a non-lawyer in unauthorized

practice of law, the Respondent violated **Rule 3(1) (a)** of the RPC 2007.

He concluded by urging the Committee to hold that the Applicant had made a case of lack of transparency, gross breach of trust and confidence in attorney, failure to render proper detailed accounts to the client (Applicant), failure to maintain the ethical standards expected of legal practitioners in diligence, honesty in business engagements, transparency, confidentiality and accountability against the Respondent. He urged Committee to find the case against the Respondent proved in its entirety.

In his Reply on Points of law filed on 25<sup>th</sup> October, 2024, learned Counsel for the Respondent argued that the Respondent had not acted in breach of Rules 23(1) & (2); 7(2)(a)(b) & (C) 3(1), 4, 19(1)(2)(a)(b) & (c) and urged the Committee to dismiss the petition as according to him, it was baseless, frivolous, malicious and malafide.

## **FINDINGS**

We have painstakingly gone through all the evidence presented before us in respect of this petition including all the various affidavits, annexure and exhibits tendered by both parties. We have also taken into consideration the various arguments and authorities relied upon by either party. Our findings are as follower.

# SCOPE OF THE APPLICANT'S COMPLAINT

There is no doubt that the gravamen of the Applicant's complaint in this petition flows from his grievances concerning the Akodo and Epe land transactions.

In the Applicant's own words, it was the Respondent's lack of transparency and accountability in the wake of the "failed" Akodo and Epe land transactions that gave him cause to doubt the genuineness of the other transactions. At page 2 of his formal complaint dated 17<sup>th</sup> December, 2020, the Applicant stated as follows:

"In March 2017, I disbursed to Mr. Prince Joel the sum of N22,500,000 (Twenty Two Million, Five Hundred Thousand Naira) to sponsor registered surveys for lands in two locations namely Akodo and Epe. The Land in each location marked for survey was 250 Acres. The agreement with the relevant families was that I, the financer will be entitled to one plot per acre upon completion of the survey and lodgment of same. In mid-2017, Mr. Prince Joel delivered to me a survey record copy (see attached) and vouched for its authenticity. The survey record copy turned out to be a FAKE document".

At page 4 of the formal complaint the Applicant went further to state as follows:

"In a nutshell, I have been left feeling duped by Mr. Prince Joel of the N22,500,000 (Twenty Two Million, Five Hundred Thousand Naira) in the Akodo and Epe land transaction and I am eager to prevent any other person falling victim of Mr. Prince Joel. At this stage, I am convinced that he is a danger to the public and should be must (sic) before he causes further harm to the reputation of the legal profession and to investors and member of the public."

In the course of the complaint, the Applicant made reference to other land transactions in which the Respondent acted for and on his behalf. See particularly the table at page 6 of the complaint.

However, in view of our earlier observation above, we are persuaded that this complaint is primarily about the Akodo and Epe land transaction and we shall limit the scope of our treatment to those two transactions.

# **VIOLATION OF RULE 7 RPC 2007**

The Respondent at Para 14 of his sworn statement of Defence to the petition sworn to on 27<sup>th</sup> April 2021 denied the allegation that he was buying and selling land but rather that he only advised people on documentation and due diligence. He went further to state that the Power of Attorney donated to him by the Petitioner was "simply to enable me enter appearance as his lawful attorney in all these transactions".

The evidence before the Committee, both oral and documentary however contradict the Respondent's denial. Evidence before the Committee show clearly that the Respondent accepted appointment and acted as the agent of the Applicant in his real estate business right from the inception of their relationship. He was not just a lawyer to the Applicant. He was his agent and intermediary with the land vendors with who he conducted negotiations. He did not stop at incorporating Berkeley Properties Investments Ltd as a lawyer but helped the Applicant to set up and run the business as his representative and agent.

He was in charge. He was the face of the Applicant's real estate business in Nigeria whilst the Applicant resided in Hong Kong. Even the affidavits of Ganiyu Adedeji Olowa sworn to on 05/06/2021 and Mr. T.D. Onoshokun (sworn to on 6<sup>th</sup> May, 2021) confirmed the capacity in which they dealt with the Respondent.

# In Ganiyu Adedeji Olowa's affidavit, he stated as follows:

- (5) That I received the sum of N10,000,000.00 (Ten Million Naira) only from Prince Onwenieke Williams-Joel as owo iwoko (BUSH ENTRY FEE)
- (6) That the property has been delivered to the petitioner

# T.O Onoshokun in his own affidavit, deposed as follows:

- 4) That Prince Onwenieke Williams-Joel approached us in 2017 for the land clearing of vast portion of land and as a result 150 plots will be given to the petitioner and we agreed
- 5) That I, on behalf of my family, received the sum of N7,000,000 (Seven Million Naira only) from Prince Onwenieke Williams-Joel as owo iwoko (BUSH ENTRY FEE)
- 6) That the land (the vine villas) alongside other vast plots of land belonging to my family became committed after it was acquired by Prince Onwenieke Williams-Joel for the petitioner.

These (scouting for land for possible acquisition, negotiating terms and payment of BUSH ENTRY FEE) and such like are land agency duties and not the work of a legal practitioner. It is clear from these narratives that the Respondent approached the deponents as an agent and representative of the Petitioner and the deponent recognized and dealt with him as such.

In further corroboration of the above, the Respondent in paragraph 16 of his aforesaid sworn statement of defence to the petition stated that:

"I was appointed by Mr Uche to be his true and lawful attorney by a Power of Attorney dated 15<sup>th</sup> December, 2017. The Power of Attorney is exhibited and marked PJA 16.

Mr. Uche did not acknowledge the challenges of setting up this kind of venture as he failed to take notice of the challenges I faced representing him in Nigeria"

This clearly shows that beyond helping the Petitioner to incorporate a company for him which became known as Berkeley Properties Investment Limited, a real estate investment developments and marketing company' the Respondent went further to help the Petitioner to set up the business and furthering the objectives of the company of "acquiring cheap lands, without titles, perfect the titles, develop the land and sell to investors", sourcing for and engaging the services of Surveyor Taiwo Aderoju was part of the Respondent's functioning as an agent of the Petitioner.

Even when the Petitioner was reluctant, the Respondent insisted on going to London to market the Petitioner's real estate business to potential investors.

In the light of these copious pieces of evidence, we have no difficulty in finding that the Respondent, along with his practice of law also engaged in real estate agency and was thus in breach of Rule 7 of the RPC 2007.

#### CONCLUSION

In conclusion, the committee finds as follows:

- That the Respondent abused and took undue advantage of the confidence reposed in him by the Applicant in refusing to render account of the monies he received for his Client's brief despite repeated demands thus acting in breach of Rule 23(1) and (2) of the RPC 2007. We hold that the Respondent is under a duty to account whether or not a demand is made of him.
- 2. That the Respondent acted in breach of Rule 15(3) (g) of the RPC 2007 by making false statements of facts in representing his Client and further acted in breach of Rule 14(2) (a) & (b) RPC 2007 in failing to comply with his Clients clear demands

- to brief the client on the report to the police and the EFCC without the prior instruction of his client.
- 3. That the Respondent acted in breach of Rule 23(i) of the RPC by inflating the actual cost of services rendered on behalf of the Client by collecting N22.5M but paying only N12.5M and failing to account for the difference until the intervention of the security agencies upon which the Respondent refunded the sum of N5.5M only.
- 4. That the Respondent acted in breach of Rule 16(1) (d) RPC 2007 by failing to exercise due diligence in confirming the actual status of the Survey Report, Annexure A and refusing to accept responsibility for his negligence.
- 5. That the Respondent acted in breach of Rule 7(2) (a) and (b) of the RPC by mixing his legal practice with engagement in the business of selling and marketing. By describing himself as the promoter of his client's Company and insisting on marketing and selling his client's business particularly outside Nigeria even in the face of obvious reluctance by the Applicant, the Respondent had exposed the legal profession to ridicule. As stated by this committee in NBA v Jude Akosa, Directions and Rulings of LPDC Vol. 4 Page 731 @ 744, Para 21, referred to by the Applicant at pages 22-23 of the Applicants final Written Address:

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"The Legal profession is for noble men and women who must distinguish and pride themselves in dignity and candour. It is not a profession for market men and women or roadside marketers"

That the Respondent acted in breach of Rule 1 of the RPC 2007 as he brought the legal profession to ridicule by his infamous conduct in all the circumstances of this case.

The Applicant confirmed in his Applicant's Response filed on 16<sup>th</sup> September, 2021 to the Respondent's Defence that he:

- He had received N5.5M of his outstanding N10M through the EFCC, leaving a balance of N4.5M unaccounted for by the Respondent.
- ii. He had recovered perimeter survey report for 200 plots in Akodo in replacement for the failed 2017 Akodo survey sponsorship
- iii. He had recovered from surveyor Taiwo Aderoju completed perimeter survey report on 71 plots in replacement for the 2017 Epe survey sponsorship contract.

All these go to confirm that the Applicant had taken successful steps to mitigate losses he suffered or would have suffered as a result of the Respondent's negligence.



Does this exculpate the Respondent of his acts of professional misconduct and acts unbecoming his status as a legal practitioner? We do not think so. Do they take away from the fact that the Respondent's ontoward acts and omission have exposed the legal profession to ridicule? We do not think so either.

### **DIRECTION:**

Following from the above findings, the Committee finds that the Respondent failed to maintain the ethical standards expected of a legal practitioner in terms of diligence, honesty, transparency, confidentiality and accountability. We find the Respondent liable of infamous conduct in professional respect and thus direct as follows:

- That the Respondent be suspended from legal practice for a period of **Two years** effective from the date of these directions during which period the Respondent is not to engage in practice as a legal practitioner.
- 2. That pursuant to Rule 22(c) of the RPC the Respondent is to refund to the Applicant the sum of N4.5M being the balance of the N10M which the Respondent was unable to account for on the Akodo and Epe transaction having refunded the sum of N5.5M during the EFCC investigations.

The Chief Registrar of the Supreme Court is hereby directed to bring these directions to the notice of all necessary stakeholders in the legal profession as required by the law.

These shall be the directions of the committee.

Dated this 25th day of November, 2024

- 1. HON. JUSTICE (DR.) ISHAQ BELLO (Rtd)
  CHAIRMAN
- 2. HON. JUSTICE AISHA BASHIR ALIYU C. J. NASARAWA MEMBER
- 3. AHMED MUSTAPHA GONIRI ESQ. MEMBER
- 4. EBENEZER OBEYA ESQ MEMBER
- 5. OBAFEMI ADEWALE ESQ, SAN MEMBER



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