

**IN THE MATTER OF THE LEGAL PRACTITIONERS DISCIPLINARY  
COMMITTEE**

**IN THE LEGAL PRACTITIONERS DISCIPLINARY COMMITTEE**

**HOLDEN AT ABUJA**

**BB/LPDC/252/2020**

**BETWEEN:**

INCORPORATED TRUSTEES OF NIGERIAN BAR  
ASSOCIATION

..... COMPLAINANT

**AND**

GEORGE OBIDIASO

..... RESPONDENT

**CORAM;**

- |    |                                    |          |
|----|------------------------------------|----------|
| 1. | EMMANUEL C. UKALA, SAN             | CHAIRMAN |
| 2. | HON. JUSTICE HUSSEIN MUKHTAR, PJCA | MEMBER   |
| 3. | HON. JUSTICE RABI UMAR, CJ BAUCHI  | MEMBER   |
| 4. | EBENEZER OBEYA, ESQ.               | MEMBER   |
| 5. | BOMA AYOMIDE ALABI OON             | MEMBER   |

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**FINAL DIRECTION DELIVERED ON 8<sup>TH</sup> DAY OF OCTOBER 2020.**

1. By the four (4) Count Complaint dated and filed on the 5<sup>th</sup> of March 2020 against the Respondent, the Complainant alleges that by various actions of the Respondent, he has conducted himself in an infamous manner and an in a manner unbecoming of a lawyer, contrary to the Rules of Professional Conduct for Legal Practitioners 2007 which are Punishable under the Legal Practitioners Act Cap L. 11 LFN 2004. Counts 1 and 2 allege that the Respondent conducted himself in an infamous manner in that while acting



as a Legal Practitioner and Facility Manager to Chief Chineme Ume Ezeoke, the Respondent made extra-judicial statements in National Dailies relating to a criminal matter pending at the Magistrate Court against the Petitioner, and that the Respondent also abused the process of court by filing two separate suits against the Petitioner regarding the same subject matter.

2. Count 3 alleges the Respondent conducted himself in a manner unbecoming of a lawyer and acted contemptuously of the Court in that during the pendency of a suit filed by the Respondent against the Petitioner, the Respondent visited the Petitioner at his apartment, resorted to self-help by threatening to forcefully eject the Petitioner out of his apartment and in the process, calling him uncomplimentary names. By Count 4, it is alleged that the Respondent conducted himself in an infamous manner in that while practicing as a Solicitor, he also engaged himself in the business of a Facility Manager. The Complaint reads as follows:

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3.

### “COMPLAINT

1. *That you George Obidiaso, whose name is on the Roll of Legal Practitioners in Nigeria, practicing under the Firm’s name of George Obidiaso & Associates, Barristers and Solicitors of 2nd Floor, Suite CoS, Morom Plaza, Eke A. Yesufu Close, Off O. P. Fingesi Street, Utako, Abuja, conducted yourself in an infamous manner in that while acting as a Legal Practitioner and facility Manager to Chief Chineme Ume Ezeoke, made extra - Judicial Statement in some National Dailies, capable of prejudicing or interfering with the fair trial of a criminal matter against the Primary complainant pending at the Chief Magistrate Court, Wuse, Zone 2, Abuja and thereby conducted yourself in .an famous*

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*manner contrary to Rules 33 of the Rules of Professional Conduct for Legal Practitioners, 2007 and punishable under Section 12(1) of the Legal Practitioners Act, Cap L. 11 Laws of the Federation 2004 (As Amended).*

2. *That you George Obidiaso, whose name is on the Roll of Legal Practitioners in Nigeria, Practicing Law under the Firm's name of George Obidiaso & Associates, Barristers and Solicitors of 2nd Floor, suite CoS Morom Plaza, Eke A. Yesufu Close, Off O. P. Fingesi Street, Utako, Abuja, conducted yourself in an Infamous Manner in that while being engaged by Chief Chineme Ume Ezeoke as his Legal Practitioner and facility Manager, abused the process of Court by filing two separate Suits with respect to the same subject matter in Suit No.: CV/1693/13 and CV/211/2014 against the Petitioner, thereby conducted yourself in an infamous manner contrary to Rules 32(3)(K) of the Rules of Professional Conduct for Legal Practitioners, 2007 and Punishable under Section 12 (1) of the Legal Practitioners Act, Cap L. 11 Laws of the Federation, 2004 (as Amended).*

3. *That you George Obidiaso whose name is on the Roll of Legal Practitioners in Nigeria, practicing under the firm's name of George Obidiaso & Associates, Barristers and Solicitors of 2nd Floor, Suite CoS, Morom Plaza, Eke A. Yesufu Close, Off O. P. Fingesi Street, Utako, Abuja, while being engaged as the Legal Practitioner and facility manager to Chief Chineme Ume Ezeoke, acted contemptuously of the Court in that while the suit filed by you against the Petitioner was still pending in Court, you visited the Petitioner at his apartment at No.4, Oliver Thambo Street, Asokoro, Abuja to resort to self-help by threatening to forcefully eject*

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*him out of his apartment and subsequently called him uncomplimentary names, in the presence of his wife and children and thereby conducted yourself in a manner unbecoming of a Lawyer, contrary to Rule 1 of the Rules of Professional Conduct for Legal Practitioners, 2007 and Punishable under Section 12(1) of the Legal Practitioner 2004 (as Amended).*

4. *That you George Obidiaso, whose name is on the Roll of Legal Practitioners in Nigeria, practicing under the firm's name of George Obidiaso & Associates, Barristers and Solicitors of 2nd Floor, Suite CoS Morom Plaza, Eke A. Yesufu Close, Off O. P. Fingesi Street, Utako, Abuja conducted yourself in an infamous manner in that while practicing as solicitor, also engaged yourself in the business of Facility Manager of the property situate at No. 4 Oliver Thambo Street, Asokoro, Abuja, a business incompatible with the practice of Law and thereby conducted yourself in an famous manner in breach of Rule 7 of the Rules of Professional Conduct for Legal Practitioners 2007 and Punishable under Section. 11(1) of the Legal Practitioners Act, Cap. L. 11 LFN 2004 (As Amended).”*

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4. When the matter came up on the 1<sup>st</sup> of September, 2020 for plea and hearing, the Respondent pleaded not liable to all the four counts of the complaint. The Complainant opened its case on the 1<sup>st</sup> day of September 2020 and in proof thereof, led evidence by calling two witnesses, Zibai Blessed Katung and Engineer Akinbiyi Olusina who respectively testified as PW1 and PW2. The PW1 adopted his witness statement filed on the 5<sup>th</sup> of March 2020 and the Complainant tendered various documents through PW1, which were duly admitted in evidence without objection and marked

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as **Exhibits P1 to P57**. Following the Respondent's Counsel's election not to cross-examine the PW1, the PW2 testified at the resumed sitting of the Committee on the 2<sup>nd</sup> of September 2020, adopted his witness statement filed on the 5<sup>th</sup> of March 2020. He relied on the Exhibits already admitted in evidence and specifically identified **Exhibits P10 to P13, P18 to P28** and **P30 to P57** which had earlier been tendered in evidence. The Complainant closed its case after the Respondent had fully cross-examined the PW2.

5. The circumstances leading to the Complaint as can be garnered from the Complainant's case is that it received a Petition dated 29<sup>th</sup> September 2014 from one Engr. Akin Olusina (the Petitioner) complaining of the Professional Misconduct of the Respondent as shown in **Exhibits P7 to P9**. A copy of the Petition was made available to the Respondent for his comments, to which he responded via his letter dated 30<sup>th</sup> of March 2014 as shown in **Exhibits P17 - P57**. That the Complainant's Disciplinary Committee (FCT Branch) duly considered the Petition, the Respondent's response thereto and by a letter to the General Secretary of the Complainant dated 37<sup>th</sup> July 2016 found that there was a prima facie case of Professional Misconduct against the Respondent as shown in **Exhibits P3 to P6**. That the Complainant thereafter issued a formal Complaint letter dated 18<sup>th</sup> August 2016 to the Secretary of this Committee as shown in **Exhibits P1 and P2**. This in sum, are the events that led to the filing of the instant Complaint and the subsequent proceedings before this committee.

6. The Complainant's case is that the Respondent, a Legal Practitioner practicing in the name and style of George Obidiaso & Associates had been engaged in the capacity of a Legal Practitioner and Facility Manager by

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Chief Chineme Ume Ezeoke to superintend over his property at No.4 Oliver Thambo Street, Asokoro, Abuja. Engr. Akin Olusina, the Petitioner who was a tenant in the property was introduced to the Respondent by Chief Chineme Ume Ezeoke as his lawyer and facility manager, who then instructed the Petitioner to pay one-year advance rent and facility management fees to the Respondent. The primary complainant complied with the instructions of his Landlord Chief Chineme Ume Ezeoke by paying ₦1,800,000.00 rent and ₦250,000.00 as Facility Management charges to the Respondent covering the period from 16<sup>th</sup> November 2011 to 15<sup>th</sup> November 2012.

7. That prior to the primary complainant's rent falling due on the 16<sup>th</sup> of November 2012, he made a part-payment of ₦1,050,000.00 to the Respondent as shown in **Exhibit P10** and based on the persuasion of the Respondent, he issued a post-dated cheque in the sum of ₦1,000,000.00 for the balance with a maturity date of 17<sup>th</sup> February 2013 as shown in **Exhibit P11**. On the 16<sup>th</sup> of February 2013, the Petitioner had in a telephone conversation requested the Respondent to delay the presentation of the cheque, but the Respondent ignored his request, presented the cheque which was returned unpaid. The Respondent subsequently reported the matter to the Economic and Financial Crimes Commission (EFCC), but same was dismissed as a mere landlord and tenant issue. A further complaint was made by the Respondent to the Inspector General of Police, who then transferred the matter to the Anti-Fraud Section of the Nigeria Police Force. At the Anti-Fraud Section, the Petitioner paid ₦250,000.00 to the Respondent, after which a Memorandum of Understanding was entered into for the payment of the outstanding balance of ₦750,000.00 as shown in **Exhibit P12**.

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8. That the Respondent later wrote a Petition against the Police Officers handling the case, and this caused them to charge the Petitioner to the Magistrate Court (Wuse) on the 15<sup>th</sup> of November 2003. That the Respondent thereafter caused the arraignment to be published in four (4) National Dailies as shown in **Exhibits P13, P14, P15 and P16**. That the Respondent also filed two (2) actions against the Petitioner, one at the High Court of the Federal Capital Territory on the 4<sup>th</sup> of March 2014 for the recovery of the balance of ₦750,000.00 and another at the Wuse Chief Magistrate Court on the 24<sup>th</sup> of April 2014 for recovery of premises. The Complainant further alleges that during the pendency of these suits, the Respondent visited the Petitioner's apartment to harass and threaten him, announcing his rent defaults to other tenants, making unsavory and uncomplimentary remarks to him and calling him names and that one of such incidents which occurred on the 1<sup>st</sup> of September 2014 was recorded with a video camera.

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9. On his part, the Respondent denied all the allegations of the Complainant. The Respondent opened his case on the 2<sup>nd</sup> of September 2020 and led evidence by testifying as DW1, while Chineme Edwin Ume Ezeoke testified as DW2. The Respondent adopted his witness statement filed on the 27<sup>th</sup> of August 2020 but deemed properly filed on 2<sup>nd</sup> September 2020 and tendered a Notice of Discontinuance which was admitted in evidence without objection as **Exhibit D1**. The DW2 also adopted his witness statement filed on the 27<sup>th</sup> of August 2020 but deemed properly filed on the 2<sup>nd</sup> of September 2020. After the Respondent and the DW2 were fully cross-examined by the Complainant, the Respondent closed his case.

10. The Respondent's case is that he was the manager of the property being at No.4 Oliver Thambo Street, Asokoro Abuja belonging to one Chief Chineme

Edwin-Ezeoke and that the Petitioner was a tenant in the property. The Respondent confirms part-payment of rent and service charge by the Petitioner in the sum of ₦1,050,000.00 and the issuance of a post-dated cheque for the outstanding balance of ₦1,000,000 as evidenced in **Exhibits P10** and **P11**. The Respondent denies receiving any call from the Petitioner requesting him to delay the presentation of the cheque and said that when he presented the cheque, it was returned uncleared. That when all efforts to get the primary complainant renew his rent and pay the service charge yielded no fruit and coupled with other conducts of the Petitioner, the Respondent wrote a Petition on the issuance of the dud cheque as instructed by the Landlord, which led to the arraignment of the Petitioner by the Police at the Magistrate Court. The Respondent insists that he did not publish or instigate the publication of the Petitioner's arraignment in the four (4) National Dailies as shown in **Exhibits P13, P14, P15** and **P16**.

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11. The Respondent states that Suit No. FCT/HC/CV/1693/2013 was filed at the FCT High Court by Chief Chineme Ume-Ezeoke through the Respondent acting as his lawful attorney for recovery of the outstanding rent and service charge balance but it was later discontinued on the 13<sup>th</sup> of March 2014 via a Notice of Discontinuance dated 13<sup>th</sup> March 2014 as shown in **Exhibit D1**. Respondent states that after the discontinuance, Suit No. FCT/JD/SOC/OU/211/2014 was filed on the 4<sup>th</sup> of April 2014 at the Chief District Court of the FCT by Chief Chineme Ume-Ezeoke through the Respondent acting as his lawful attorney for recovery of the premises from the Petitioner. The Respondent denies the allegations of abuse of judicial process by filing two suits contemporaneously against the primary complainant regarding the same subject matter. The Respondent does not deny visiting the premises of the Petitioner but states that it was a

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settlement meeting, but that he did not go to his apartment and that he did not harass and or threaten the Petitioner as alleged. He said that the video being flaunted by the primary complainant was edited and highly manipulated and not a true reflection of what transpired between him and the Respondent at the said meeting.

12. At the close of evidential hearing on the 2<sup>nd</sup> of September 2020, the Committee ordered for Final Written Addressees which order the parties duly complied with. For the Respondent who filed his Final Address on the 10<sup>th</sup> of September 2020, a sole issue for determination was formulated to wit: ***“Whether or not the complainant has proved a case of professional misconduct against the Respondent”***. The sole issue was argued by the Respondent in relation to the four-count Complaint. In urging the Committee to return a verdict of not liable for Count 1, the Respondent submitted that while it is not in dispute that the Petitioner issued a dud cheque and was charged to the FCT Magistrate Court based on the Respondent’s Petition, the area of divergence is on who made the said publications. The Respondent submitted that by Rule 33 of the Rules of Professional Conduct of Legal Practitioners 2007, the onus of proof is on the Complainant to prove that the Respondent made or participated in making the publications and that same was calculated to prejudice or interfere with the fair trial of the matter.

13. The Respondent argued that the evidence of the Complainant on this issue was rebutted by the evidence of the Respondent and that the publications were reports published by journalists who have unhindered access to the Courts, relying on **JOHN HOLT V. JUSTICE I. W. ALLEN** (2014) 17 NWLR (Pt. 1437) 443 at 466 Paras B-D Per EKO JCA (as he then was). The Respondent further submitted that the journalist did not disclose who

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informed them of the arraignment and that the case of the Complainant was speculative and that Courts do not act on speculation relying on **AGIP NIGERIA LTD V. AGIP PETROLI INT'L** (2010) 5 NWLR (Pt. 1187) 348, ratio 24. Finally, on this Count, the Respondent submitted that the Petitioner should not be allowed to hide under Rule 33 of the Rules of Professional Conduct to pursue a libelous claim as this Committee is not the appropriate forum, relying on the Honourable Committees Direction in **NBA V. AJAYI** (2017) 13 NWLR 151 at 172, Paras F-H.

14. In urging the Committee to find the Respondent not liable for Count 2, the Respondent submits that he did not violate Rule 32(3) of the Rules of Professional Conduct because Suit No. CV/1693/2013 at the FCT High Court was discontinued on the 13<sup>th</sup> of March 2013 via **Exhibit D1** before he subsequently filed Suit No. CV/211/2014. The Respondent further submitted that by Order 27 Rule 2(1) of the High Court of the FCT (Civil Procedure) Rules, 2004 in operation at the time, Exhibit D1 is conclusive evidence of the discontinuance of Suit No. CV/1693/ 2013. The Committee was urged to use Exhibit D1 as a hanger to assess the oral evidence of both parties regarding the issue of abuse. Finally, on this Count, the Respondent referred the Committee to the decision of the Court of Appeal in **IKINE VS. EDJEROJE** (1996) 2 NWLR (Pt. 431) 468, Ratio 4 in submitting that an abuse of court process will not arise where a new action is instituted after the discontinuance of an earlier action.

15. On Count 3, the Respondent raised the preliminary issue that the allegation that the Respondent “**threatened to forcefully eject him out of his apartment**” (him being the Petitioner) as contained in Count 3 of the Complaint did not form part of the Petitioner’s Petition to the NBA in **Exhibit P7**. The Respondent further submitted that the said allegation did

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not form part of Count 3 of the previous Complaint dated 20<sup>th</sup> October 2016, and equally did not form part of the evidence of the Petitioner who testified as PW2. The Respondent contends that the said issue was smuggled into the present Complaint by the Complainant and the Committee was urged to discountenance Count 3 of the Complaint on the ground that the Complaint is at variance with the evidence adduced to prove it.

16. On the substance, the Respondent submitted that he led evidence to disprove the allegation through his evidence as DW1 which was to a large extent corroborated by the evidence of DW2 and that the Complainant failed to lead any evidence in rebuttal, relying on Section 131(2) of the Evidence Act 2011 and the decision of the Supreme Court in **FADALAH V. AREWA TEXTILE LTD** (1997) 8 NWLR (Pt. 518) 546 at 549 Ratio 2. The Respondent further urged the Committee to find that by the failure of the Complainant to cross-examine the DW1 and DW2 on this issue (threat to ~~forever~~ eject the Petitioner), the Complainant has admitted the Respondent's account of events, relying on **OLUDAMILOLA VS. THE STATE** (2010) 8 NWLR 565 Ratio 8. The Respondent further urged the Committee to invoke Section 167(d) of the Evidence Act, 2011 against the Complainant in view of its failure to call eye-witness of the incident who it had referred to as they are vital witnesses for the Complainant.

17. The Respondent further drew attention to the failure of the Complainant to tender in evidence the video recording of the incident which the Petitioner had referred to in paragraphs 17 and 18 of his witness statement and submitted that in such circumstance, the Committee is entitled to make a presumption that the document does not exist. Reliance was placed on **ANSA V. ISHIE** (2005) 15 NWLR (Pt, 948) 210 at 225 Para c and the

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Committees Final Direction in **NBA VS. OKUNNU** Esq. (Directions and Rulings of the Legal Practitioners Disciplinary Committee), April 2013 – 2014 Vol. 2 at Page 63 ratio 4). Finally, on Count 3, the Respondent submitted that a Legal Practitioner, including the Respondent, has a right to protect his dignity and refute any lie told against him, and reliance was placed on the Committees Final Direction in **NBA V AJAYI** (Supra) Ratio 1 and Daudu, SAN Page 173, Paras C-E.

18. On Count 4, the Respondent submits that by **Exhibits P1-P2, P7-P9**, the previous complaint dated 20<sup>th</sup> October 2016 and the Petitioner's witness statement of 22<sup>nd</sup> November 2016, which processes form part of the records before the Committee and which it is entitled to look at and utilize, it will be deduced that the Petition presented by the Petitioner related to him having acted in his capacity as a facility manager and not a Legal Practitioner. The Respondent further submitted that the allegation in Count 4 did not form part of the Petition written against the Respondent, same was not investigated by the NBA and is not the prima facie case made out against the Respondent. The Respondent further stated that the original Complaint was not amended and the Complainant simply filed a new Complaint and smuggled in Count 4. The Respondent further submits that by the evidence on record, at the time the transactions occurred, he had not started legal practice as a Legal Practitioner and as such his actions at the time were outside the scope of this Honourable Committee which does not entertain complaints against facility managers. Reliance was placed on Section 10(1) and 11 of the Legal Practitioners Act Cap L.11 LFN 2004, **NDUKWE VS. LPDC** (2007) 5 NWLR (Pt. 1026) 1 Ratio 2 and **NBA V. MADUABUCHI** (Directions and Rulings of the Legal Practitioners Disciplinary Committee of the Body of Benchers), April 2013 – 2014 Vol. 2 at Page 179. The above is the gist of the Respondent's Final Address.

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19. On the part of the Complainant, in its Final Address filed on the 18<sup>th</sup> of September 2020, it formulated a sole issue to wit: ***“Whether, having regards to the evidence before the Committee, the Respondent is guilty of misconduct/unprofessional conduct and if yes, whether the misconduct amounts to an infamous conduct?”*** Like the Respondent, the Complainant argued the sole issue in relation to the various Counts in the Complaint and had as a preliminary point, drawn attention to the fact that after the change in nomenclature of the Complainant, the Complaint was amended to Four (4) Counts from the original three (3) Counts filed on the 20<sup>th</sup> October 2016. On Count 1, the Complainant submitted that by the evidence of the PW2 and **Exhibits P13, P14, P15 and P16**, it has established that the Respondent was responsible for and instigated the interviews in the said Exhibits.

20. On Count 2, the Complainant referred the Committee to what constitutes an abuse of court process as held in **ARUBO V. AIYELERU** (1993) 3 NWLR (Pt. 280) 126 at 142 and submitted that the Respondent abused the process of the Court by initially filing two Suit No. CV/1693/2013 and subsequently filing Suit No. CV/211/2014 on the same subject matter. The Complainant further urged the Committee to give **Exhibit D1** less weight as same was filed outside the period provided for in Order 27 Rule 2 of the FCT High Court (Civil Procedure) Rules 2004 and that Exhibit D1 should not be construed as a Ruling or Judgment of the Court, as it was merely filed without more. On Count 3, the Complainant asserts that the Respondent failed to obtain the leave of court before visiting the Petitioner’s residence for a settlement meeting. The Complainant urged the Committee to rely on Paragraph 22 of DW1’s witness statement and **Exhibits P1-P57** before it as relevant documents relying on **SHITTA-BEY**

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**vs. A-G FED & ANOR** (1998) 10 NWLR (Pt. 570) 329 at 419. It was finally submitted that the Committee has long resolved the issue of whether it has the jurisdiction to determine the Complaint in a ruling delivered on the 20<sup>th</sup> of June 2018.

21. On Count 4, the Complainant urged the Committee to reject the evidence of the DW2 because his evidence was manifestly inconsistent with his oral evidence of 2<sup>nd</sup> September 2020 and his witness statement on oath filed on the 27<sup>th</sup> of August 2020. In responding to some of the issues raised in the Respondent's Address, the Complainant submitted that the case of **RABIU v ADEBAYO** (Supra) relied on by the Respondent is distinguishable from the instant Complaint. The Complainant further commended to the Committee the Final Direction of the Committee in **NBA v ADEKUNLE SULAIMAN** Esq., & ONIFADE Esq., and **OKORO v STATE** (1998) 14 NWLR (Pt. 584) 181 at 216. Finally, the Complainant submitted that the parties had on the 24<sup>th</sup> of May 2018 addressed the Committee on whether it had the jurisdiction to hear the Complaint and on the 20<sup>th</sup> of June 2018 the Committee ruled and assumed jurisdiction to hear and determine the Complaint.

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22. In the Respondent's Reply on Points of Law filed on the 25<sup>th</sup> of September 2020, the Respondent contended that the assertion by the Complainant that the Respondent instigated the publications were not supported by the evidence before the Committee and were in the realm of conjecture and speculation relying on **IKENTA BEST (NIG.) LTD vs. A-G RIVERS STATE** (2008) 6 NWLR (Pt. 1084) 612 at 655 Paras B-C. The Respondent further submitted that the Complainant who is alleging abuse of court process had the legal duty to prove the abuse by documentary evidence and having failed to tender in evidence any document on the abuse, the Complainant's

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case must fail relying on **CORPORATE AFFAIRS COMMISSION V. THE INCORPORATED TRUSTEES OF THE PEACE CORP OF NIGERIA** (2016) 2 NWLR (Pt. 1496) 236 Ratio 2.

23. The above represents a summary of the case of the parties and in proceeding.

24. On the 5<sup>th</sup> day of October, 2020 when the matter came up for the adoption of the Written Address of the parties, the parties through their Counsel adopted their Written Address. The Respondent urged us to dismiss the complaint, while the Complainant urged the contrary.

25. After a careful examination of the issues for determination formulated by the parties, the Committee is of the view that this matter can be determined effectually upon the resolution of the issue for determination formulated on behalf of the Respondent. It is concise and precise. Above all, it encapsulates the issue formulated on behalf of the Complainant.

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26. The complaint against the Respondent in Count 1 of the complaint is that he made “*extra-judicial statement in some National Dailies, capable of prejudicing or interfering with the fair trial*” of a criminal matter that was then pending against the Petitioner at the Chief Magistrate Court, Wuse Zone 2, Abuja. Rule 33 which the Respondent is accused of breaching explicitly provides that no lawyer or law firm engaged in or associated with a criminal or civil matter is allowed to make extra-judicial statement in respect of the matter which is calculated to interfere with or prejudice the fair trial of the matter or judgment or sentence. The essence of Rule 33 is to help to maintain the integrity of the judicial process. The adjudicatory process requires independent reasoning and exercise of freewill within the

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framework of the law devoid of any form of pressure or influence, be it overt or covert. Where a lawyer engages in trial publicity that is capable of prejudicing or interfering with the fair determination of a matter that is pending before a Court, the lawyer is in breach of Rule 33 and ought to be sanctioned. This Rule unfortunately appears to be honoured more in breach than in compliance now-a-days. Lawyers, young and old, so often take liberty to engage in trial publicity in the media, especially in the social media. This practice is wrong and ought to be discouraged.

27. In the present case the publications subject matter of the complaint in Count 1 are Exhibits 'P.13' 'P.14' 'P.15' and 'P.16'. These Exhibits constitute trial publicity being publications made in respect of the trial of the Petitioner and in the course of his trial at the Chief Magistrate Court Abuja. Exhibit "P.13" is a publication of Daily Trust Newspaper of December 17, 2013, "P14" is a publication of Daily Independent of December 16, 2013, "P15" is a publication of The Nation Newspaper of December 16, 2013 while Exhibit 'P16' is a publication of Vanguard Newspapers of December 16, 2013. In all of these publications, except Exhibit 'P16', the name of the Respondent was generously mentioned as the Counsel of the Petitioners Landlord, Chineme Ume-Ezeoke and as the Counsel who wrote a petition to the EFCC against the Petitioner leading to the trial. We have no doubt that the publications in Exhibits "P.13" "P.14" and "P.15" were orchestrated given the wordings of the narratives published and the dates of the publications. Whilst the Complainant argued that the publications were orchestrated by the Respondent, the Respondent on his own part denies any knowledge of how the publications came about.

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28. The law is settled that where documentary evidence exists, it should serve as the hanger on which to evaluate the conflicting oral evidence of the parties.

See (i) **BIRMA v. DAMCIDA (2016) LPELR – 41610 (CA) at 52.**

(ii) **A. G. ENUGU STATE v. MARCEL (2019) LPELR – 48184 (CA) at 30**

29. The Committee has carefully examined Exhibits 'P13' 'P14' and 'P15' being the publications wherein the name of the Respondent was mentioned. The Committee finds that in all of the publications, where the name of the Respondent was mentioned, it was mentioned with reference to the petition he wrote to the EFCC. There is nothing in any of the publications to show that he granted an interview to any of the Newspapers. The Committee takes judicial notice that documents submitted to public offices are documents in the public domain, and that they become part of official records which can be obtained by any member of the public upon payment of relevant fees. The Committee is therefore unable to fix the Respondent with the leakage of the petition. To urge the Committee to hold that it was the Respondent who disclosed the proceedings at the Chief Magistrate Court or the petition that was written to EFCC is an invitation to embark on speculation. This is not permitted by the law and the Committee declines the invitation.

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*See;* **AGIP (NIGERIA) LTD v. AGIP PETROLI INT'L (2010)5 NWLR (Pt. 1187) 348.**

The Committee accordingly holds that the Complainant has failed in proving Count 1 of the Complaint.

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30. In respect of Count 2, the Respondent has been accused of misconducting himself contrary to Rule 32(3)(k) of the Rules of Professional Conduct in that he is alleged to have abused process of Court by filing two separate suits, that is Suit No. CV/1693/13 and CV/211/2014, in respect of the same subject matter. There is no dispute between the parties that two suits were indeed filed by the Respondent in respect of the same subject matter. What is in dispute is whether the filing of the two suits in the context of this complaint constitutes abuse of Court process.

31. The species of abuse of process of Court are multifarious, prominent among these species being the filing of an action during the pendency of another action on the same subject matter. Putting it tersely ONOGHEN J.S.C (as he then was) in the case of **UKACHUKWU v. PEOPLES DEMOCRATIC PARTY & Ors (2013) LPELR – 21894 (SC) at 19** said;

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*“To institute an action during the pendency of another one claiming the same reliefs amounts to an abuse of Court process and it does not matter whether the matter is an appeal or not, as long as the previous action has not been finally disposed of. It is the subsequent action that is in abuse of the process of the Court.”*

32 The duty of the lawyer is to aid in the administration of justice, not to distract the course of justice. A lawyer is not to use his privileged position to punish or harass his client’s adversary by inundating him with judicial processes in respect of the same subject matter by way of multiplicity of actions. The Rules of Professional Conduct and Ethics at the Bar forbid it. It is therefore a very serious misconduct on the part of any lawyer to be involved in abuse of Court process. By his training, the



lawyer is presumed to be sufficiently informed to know that abuse of the process of the Court is dishonourable, unworthy of a lawyer and that it does not aid the administration of justice.

33. In the case at hand the defence of the Respondent is that the subsequent action he filed, that is, Suit No. CV/211/2014, was not in abuse of the process of the Court because at the time he filed the action he had withdrawn the earlier Suit on the same subject matter that is Suit No. CV/1693/13. The Committee has examined Exhibit "D1" tendered in support of the case of the Respondent. It shows that the Respondent filed a Notice of Discontinuance of the suit referred to as CV/1693/13 by the parties on the 13<sup>th</sup> day of March 2014. There is no dispute between the parties that the Notice of Discontinuance was filed on the said 13<sup>th</sup> day of March 2014, neither is there a dispute that CV/211/2014 was filed on 4<sup>th</sup> April 2014 as deposed by the Respondent in paragraph 14 of his Witness Statement on Oath, that is, after CV/1693/13 had been discontinued by virtue of Exhibit 'D1'. In the circumstance, the Committee finds that the filing of the subsequent suit did not constitute an abuse of Court process. Count 2 accordingly fails and it is dismissed.

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34. In Count 3, the Respondent is accused of having "*acted contemptuously of the Court*" by visiting the Petitioner "*at his apartment at No. 4 Oliver Thambo Street, Asokoro, . . . to resort to self help by threatening to forcefully eject him out of his apartment and subsequently called him uncomplimentary names, in the presence of his wife and children . . .*" The Petitioner deposed to the same effect in his Witness Statement. In particular, in paragraphs 15 and 16 of his Witness Statement he deposed as follows;

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- “15. I know as a fact that, notwithstanding the disgrace that barrister George Obidiaso subjected me to, by dragging me to Court on criminal charges and publishing the arraignment in four National Dailies and despite the fact that the **cases are pending in Courts**, he still comes to my apartment, at **No. 4 Oliver Thambo Street, Asokoro** to harass and threaten me. Whenever he comes around, he announces to other tenants in the compound that I owe house rent and that I am a criminal and that if I don’t pack out, I will soon die and rot in the house, like the former Tenant on the 1<sup>st</sup> floor.”
16. I know as a fact Mr. Obidiaso called me such names as **“useless grey-haired man”, “Mad man”, “tout”, useless old man”, “ignorant & senseless man”, shameless debtor that is living above his means”,** etc., etc. when I attempted to inform him that his actions could earn him a jail term, considering the fact that his utterances were contemptuous of Courts to which he has dragged me, he yelled at me to **“shut up”** and to **“get out”**. He then began to issue curses on me that **“na my papa go go jail”**, and that **“I will soon die and rot in the house”**.”

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The Respondent denied the deposition. He however admitted that he visited the premises of No. 4, Oliver Thambo Street, Asokoro, Abuja, the property housing the apartment of the Petitioner. The Respondent said that he visited the premises of the property on the invitation of the Petitioner extended to him through Chief Chineme Edwin Ume-Ezeoke, the DW2 who was the landlord of the Petitioner. He deposed to the effect that in the cause of the meeting the Petitioner provocatively abused him and even spat at him at one point and that he neither responded to the abuses, nor retaliated to his spiting at him but that he merely told the Petitioner that *“his conduct smacked of irresponsibility”* and that *“he was living above his means and that he should go and pay his house rent or*

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*pack out and move to the part of Abuja where he could afford.”* These appear to be all that the Respondent could remember with regard to what he told the Petitioner. His witness DW2 appeared to have remembered more, that is, more of the utterances that the Complainant considered uncomplimentary. He, that is, the DW2 remembered that the Respondent called the Petitioner *“something like “tout”, “irresponsible man” and “you are not setting good example.”* D.W.2 deposed to this in paragraph 22 of his Witness Statement. Coincidentally, part of what the D.W.2 remembered corroborates the evidence of the Petitioner as contained in paragraph 16 of his Witness Statement that “tout” was one of the uncomplimentary names the Respondent called him.

35. The Respondent has submitted with substantial force that the video recording of the incident which the Petitioner referred to not having been tendered in evidence the Committee should hold that the document does not exist. In his own words, the Respondent’s Counsel submitted in paragraph 3.32 of his Written Address that *“both the video recording and accompanying computer certificate were never tendered in evidence . . . It is not in doubt that where a party fails to produce the document he pleaded, the presumption is that there is no such document”*. There is no doubt that the Statement of the law is correct. The Committee has also held that it is not entitled to speculate. Accordingly, the Committee will not speculate on the content of a video recording that has not been produced in evidence before the Committee. The duty of the Committee in the circumstances is limited to making a determination whether or not there is sufficient evidence on record to prove Count 3, including the allegation that the Respondent used uncomplimentary language on the Petitioner. Based on the admission of the Respondent and his own witness, we find that the Respondent visited No. 4 Oliver Thambo Street,

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Asokoro, the premises housing the apartment of the Petitioner. Based on the admission of the 'DW2', we also find that the Respondent used uncomplimentary language on the Petitioner by calling him "tout". We also find, based on the admission of the Respondent (paragraph 30) and his witness that the Respondent also told the Petitioner "to go and pay his rent or pack out", all of these, at a time when he was maintaining an action to eject the Petitioner lawfully from the premises in a Court of law. These admissions support the Complainant's case under Count 3.

36. It is difficult to rationalize the conduct of the Respondent in accepting to hold a meeting, (whether by invitation or not) with the Petitioner with whom he was already in Court at the Petitioner's premises. As a lawyer by training, whether in practice or not, he ought to have appreciated the risk he was taking. It would have been more honourable for the Respondent, even if in his judgment he considered the meeting necessary to insist on holding the meeting in his own office. The Committee finds Count 3 proved and the Respondent liable under the Count.

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37. The Respondent is accused in Count 4 of engaging in the business of facility manager of No. 4 Oliver Thambo Street, Asokoro while practicing as Solicitor. The Respondent vehemently denies the allegation. It is not in dispute that the business of facility manager is not one of the businesses approved by the General Council of the Bar which can be undertaken by a lawyer while practicing as a legal practitioner in Nigeria. Rule 7 of the Rules of Professional Conduct forbids a legal practitioner from practicing as a legal practitioner at the same as he practices any other profession. In support of the Complainant's case, the Complainant tendered Exhibit "P.11", a document on a letter headed paper of "George

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*Obidiaso & Associates – Barristers and Solicitors*”. The signatory to that document acknowledging the payment of ₦1,050,000 (One Million and Fifty Thousand Naira) is in the name of “George Obidiaso” who signed on behalf of George Obidiaso and Associates. This document is dated 12<sup>th</sup> December 2012. The Respondent as DW1 under cross-examination denied that he signed Exhibit ‘P11.’ Exhibit ‘P10’ is a bank deposit teller of Diamond Bank. It shows that the sum of ₦1,050,000 (One Million and Fifty Thousand Naira) was deposited into the bank account of George Obidiaso and Associates therein shown as “Assoc”. A name similar to the firm that issued Exhibit ‘P11’. The fact that ₦1,050,000 (One Million and Fifty Thousand Naira) was paid as part-payment of the rent due from the Petitioner is not in dispute. The Complainant also tendered Exhibit ‘P12’ a document dated 15<sup>th</sup> August 2013, a Memorandum of Understanding issued by the Petitioner which acknowledged an outstanding rent balance of ₦750,000 (Seven Hundred and Fifty Thousand Naira) only. The document was signed by the Barrister George Obidiaso who entered into the undertaking with the Petitioner. The Respondent denied that he signed Exhibit ‘P12”. Indeed, under cross-examination, the Respondent said “*I am only a legal practitioner not a facility manager . . .*” Similarly, his witness DW2 said that the Respondent was neither his facility manager nor his lawyer. In his own words;

***“The Respondent was not my facility manager.  
The Respondent has never represented me as  
lawyer for as much as I can remember”.***

38. In order to determine which version of the competing but conflicting evidence of the parties to rely on, the Committee has had to resort to established evaluation principles. The Committee notes that the initial

payment of ₦1,050,000 (One Million and Fifty Thousand Naira) was not disputed by the parties. The payment was made to the Respondent leaving a balance of ₦1,000,000. The payment teller Exhibit 'P10' shows that the payment was made into an account with the name of George Obidiaso and Associates, the same firm name that issued Exhibit 'P11'. Although the Respondent and his witness deny that the Respondent has been a facility manager of No. 4 Oliver Thambo Street, Asokoro, the DW2 said in paragraph 2 of his Witness Statement that *"I contracted the respondent George Obidiaso to manage the said No. 4 Oliver Thambo Street"* and the Respondent in paragraph 2 of his own Witness Statement admitted that he *"managed"* the *"property comprising 13 flats situate at No. 4 Oliver Thambo Street"*. It is strange that the same person who used the language of *"contracted"* for the purpose of describing his engagement of the Respondent to manage his property would turn round to say that he was not his facility manager. The Committee finds the later position of the DW2 incredible. Even more astonishing is his denial of the Respondent as his lawyer. Exhibit 'D1' which was tendered and relied on by the Respondent shows that the Respondent signed that document as Plaintiff's Counsel, the Plaintiff therein being the 'DW2'. The signature on Exhibit 'D1' is also very similar to the signature on Exhibits 'P11' and 'P12'. Yet, the DW2 would want the Committee to believe that the Respondent has never represented him as a lawyer. The DW2 is not a witness of truth. The Committee finds that it was the Respondent who issued Exhibit 'P11' and signed Exhibit 'P12' and that it is most dishonourable for the Respondent to deny such obvious fact in the face of overwhelming evidence. In the circumstance, the Committee is unable to accept the evidence of DW1 and DW2 as the evidence of truthful witnesses. The Committee finds their evidence to be contradictory, not

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flowing from the natural course of events and accordingly the Committee disbelieves them.

39. It is important at this stage to consider and resolve the argument of the Respondent to the effect that Count 4 not being part of what the Nigeria Bar Association Disciplinary Committee considered in coming to the conclusion that the Respondent has a prima facie case to answer, the same cannot be incorporated into the complaint of the Complainant before this Committee. Similar arguments have been made before this Committee in the past in other cases and the Committee has been consistent in its decision that the process leading to a finding by NBA of prima facie case before presenting a Complaint to the Committee is not subject of the exercise of jurisdiction of the Committee and will not in any way affect the consideration or determination of the Committee in respect of a Complaint.

See; (i) **BB/LPDC/122: NBA v. Sulieman and Anor (decision of 6<sup>th</sup> May 2014)**  
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(ii) **BB/LPDC/116: NBA v. Ahembe (decision of 18<sup>th</sup> July 2013)**

40. We find Count 4 proved and the Respondent liable under the said Count.
41. On the whole, we find that the Respondent is not liable under Counts 1 and 2 but liable under Counts 3 and 4. Accordingly we find that the conduct of the Respondent is in breach of Rules 1 and 7 of the Rules of Professional Conduct for Legal Practitioners 2007 (as amended) and punishable under Section 12(1) of the Legal Practitioners Act.
42. **DIRECTION.**

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We, The Legal Practitioners Disciplinary Committee, hereby find the Respondent **GEORGE NNAEMEKA OBIDIASO ESQ**, a lawyer called to the Bar on 9<sup>th</sup> day of July 1998 with enrolment number **SCN 027780** guilty of infamous conduct in the course of the performance of his duty as Legal Practitioner as set out in Counts 3 and 4 of the complaint by the Incorporated Trustees of Nigerian Bar Association dated and filed on **5<sup>th</sup> March, 2020** contrary to Rules 1 and 7 of the Rules of Professional Conduct for Legal Practitioners 2007 (as amended) and punishable under S. 12(1) of the Legal Practitioners Act Cap. L11 Laws of the Federation of Nigeria 2004 as amended.

We **DIRECT** that the Respondent **GEORGE NNAEMEKA OBIDIASO** be and he is hereby suspended forthwith from carrying on the trade or business of legal practice or as a Legal Practitioner for a period of **TWO YEARS** from the date of this **DIRECTION**. Accordingly, he is not to act as, or to parade himself or allow himself to be paraded as a Legal Practitioner within the period and he is not to engage in or participate in the practice of law in any manner whatsoever within the period.

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The Chief Registrar of the Supreme Court is hereby **DIRECTED** to effect the above Orders and to make a notation of this **DIRECTION** against the name of the Respondent, **GEORGE NNAEMEKA OBIDIASO** 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 or his Counsel at the proceeding 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

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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 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, President of the Court of Appeal, the Honourable Chief Judge of the High Court of the FCT, Federal High Court and the High Court of all other States of the Federation, President of the Customary Court of Appeal of all the States of the Federation and the FCT, the Customary Court of all the States of the Federation and the heads of all other Courts wherein a legal practitioner is entitled to audience by virtue of his office as a 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, the Commissioner of Police of the FCT and the respective Commissioners of Police** in the other States of the Federation.

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This shall be the Direction of this Committee.

Dated at Abuja this 8<sup>th</sup> day of October 2020.

Signed:



**1. EMMANUEL C. UKALA S.A.N.**

*Chairman, Legal Practitioners Disciplinary Committee.*

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*[Handwritten signature]*

2. HON. JUSTICE DR. HUSSEIN MUKTAR, PJCA == MEMBER

*[Handwritten signature]*

3. HON. JUSTICE RABI UMAR, CJ BAUCHI == MEMBER

*[Handwritten signature]*

4. EBENEZER OBEYA, Esq. == MEMBER

*[Handwritten signature]*

5. MRS. BOMA AYOMIDE ALABI, OON. == MEMBER

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LEGAL PRACTITIONERS DISCIPLINARY  
COMMITTEE  
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15 APR 2024  
Registrar: ZIBAI B. KATUNG  
Sign.....*ZBK*.....