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LEGAL PRACTITIONERS' ACT
CAP. L11, LAWS OF THE FEDERATION OF NIGERIA, 2004
LEGAL PRACTITIONERS DISCIPLINARY COMMITTEE RULES, 2020



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S. I. No. 8 of 2020

LEGAL PRACTITIONERS' ACT
CAP. L11, LAWS OF THE FEDERATION OF NIGERIA, 2004
LEGAL PRACTITIONERS DISCIPLINARY COMMITTEE RULES, 2020

[5th Day of March, 2020]

Commence-
ment.

In the exercise of powers conferred by section 10(7) of the Legal Practitioners' Act Cap. L11, Laws of the Federation of Nigeria, 2004 and of all other powers enabling me in that behalf, I hereby make the following Rules—

1. These Rules may be cited as the Legal Practitioners Disciplinary Committee Rules, 2020.

Short Title.

2. In these Rules—

Interpretation.

“*the Act*” means the Legal Practitioners Act, Cap. L11, as amended.

“*the Association*” means the Nigeria Bar Association.

“*Chief Justice*” means the Chief Justice of Nigeria.

“*Chairman*” means the Chairman of the Legal Practitioners Disciplinary Committee.

“*Applicant*” means a person making an Application.

“*Disciplinary Committee*” or “*the Committee*” means the Legal Practitioners Disciplinary Committee.

“*Official Members*” means the Attorney-General of the Federation or of a State, or the President or a Justice of the Court of Appeal, or the Chief Judge of a High Court.

“*Originating Application*” means an Application to the Disciplinary Committee in respect of any allegation or complaint made against a legal practitioner as defined under the Act.

“*Panel*” means members constituted by the Chairman to conduct hearings.

“*Registrar*” means the Chief Registrar of the Supreme Court of Nigeria.

“*The Roll*” has the definition assigned to it in the Act.

“*Unofficial Member*” means a member other than an official member.

“*Secretary*” means the Secretary to the Legal Practitioners Disciplinary Committee.

3.—(1) The Chairman at his discretion shall constitute panels for the hearing of Applications as the circumstances may require and each shall be headed by the Chairman or a Presiding member designated by the Chairman.

Constitution.

(2) A panel shall comprise of a minimum of 3 members of the Committee but no decision or proceeding of the Disciplinary Committee will be rendered invalid on the grounds of quorum other than as set out in the Interpretation Act.

Submission
of
Originating
Application.

4.—(1) An Originating Application by any person against a legal practitioner shall be forwarded in writing by the applicant or the person aggrieved to any of the following persons, that is—

- (a) the Chief Justice of Nigeria ;
- (b) the Attorney-General of the Federation ;
- (c) the President of the Court of Appeal or any Presiding Justice of the Court of Appeal ;
- (d) the Chairman, Body of Benchers ;
- (e) the President of the Nigerian Bar Association or the Chairman of a branch of the Nigerian Bar Association ; and
- (f) the Legal Practitioners Disciplinary Committee.

(2) An Originating Application received by any of the persons specified in sub-rule (1) of this rule other than sub-rule (1)(f) shall be forwarded within 30 days thereafter to the Legal Practitioners Disciplinary Committee which shall cause the Originating Application to be considered in the manner hereinafter provided.

(3) An Application to which this Rule applies must be sent to the named offices and shall be in accordance with forms provided for in these Rules with such variations as circumstances may require.

(4) The Originating Application must be supported by a statement of the allegation or complaint of misconduct, an Affidavit of facts setting out the allegations, the facts and matters supporting the Originating Application and each allegation contained within it and exhibiting the documents relied upon by the applicant.

(5) In the case of an Originating Application made by the Association, the Originating Application must be accompanied by—

- (a) sufficient copies of the Originating Application and supporting documents to enable the Committee to retain six complete sets and to serve one complete set on each respondent ;
- (b) a time estimate for the substantive hearing ; and
- (c) a schedule of the Association's costs incurred up to and including the date on which the Originating Application is made.

(6) In the case of a lay Application, the Application must be accompanied by three copies of the Originating Application and supporting documents and one further copy for each of the respondent.

5.—(1) An Application made in accordance with rule 4 shall initially be considered by a member of the Committee (“the initial committee member”) on the directive of the Chairman for consideration of the question of whether there is a case to answer in respect of the allegations made in the Originating Application.

Certification
of case to
answer.

(2) If the initial committee member considers that there is a case to answer in respect of any or all the allegations made and is not of the opinion that the question is one of doubt or difficulty then the initial committee member must certify that there is a case to answer.

(3) If the initial committee member is minded not to certify that there is a case to answer in respect of all or some of the allegations made or is of the opinion that the question is one of doubt or difficulty, the question must be considered by a panel of three members of the Disciplinary Committee. The initial committee member may be a member of the panel. If the panel considers that there is a case to answer in respect of any of the allegations made, then it must certify that there is a case to answer in respect of those allegations.

(4) If the panel decides that there is no case to answer in respect of any of the allegations made, it may refuse or dismiss the Originating Application, or part of it, without requiring the respondent to answer the allegations and without hearing the applicant. The applicant must be provided with written reasons explaining the decision.

(5) If a panel or committee member certifies that a case to answer is established in respect of all or any of the allegations made, the Secretary must serve a copy of each of the documents referred to in rule (4), (5) or (6), as the case may be, on each respondent.

6.—(1) An applicant who has made an Application to which this Rule applies may, subject to sub-rule (4), send supplementary statements to the Committee containing additional facts or matters on which the applicant seeks to rely or further allegations in support of the Originating Application.

Supplementary
Statements.

(2) A supplementary statement must be supported by an Affidavit of Facts setting out any new allegations, facts and matters supporting the Originating Application and each allegation contained within it and exhibiting any new documents relied upon by the applicant.

(3) In the case of an Originating Application made by the Association, when a supplementary statement is sent to the committee, the Association must provide—

(a) sufficient copies of the supplementary statement on oath and supporting documents to enable the Committee to retain six complete sets and to serve a complete set on each respondent ;

- (b) a revised time estimate for the substantive hearing ;
- (c) a revised schedule of the Association's costs incurred up to and including the date on which the supplementary statement is sent ; and
- (d) any proposed directions for the future progression of the case, including any proposals to vary any existing directions.

(4) In the case of a lay Originating Application, when a supplementary statement is sent to the Committee, the applicant must provide sufficient copies of the supplementary statement and supporting documents to enable the Committee to retain six complete sets and to serve a complete set on each respondent.

(5) No supplementary statement shall be used without the leave of the Committee—

(a) more than 6 months from the date of the initial Application under Rule 4 ; and

(b) less than 30 days before the date fixed for the substantive hearing of the Application.

(6) Rule 5 applies in respect of any supplementary statement containing additional facts or matters on which the applicant seeks to rely or further allegations in support of the Application as it applies to an Originating Application made in accordance with Rule 4.

Parties to proceedings.

7.—(1) Parties to proceedings before the Disciplinary Committee shall be—

(a) the applicant ;

(b) the legal Practitioner whose conduct is subject matter of the proceedings, as the respondent ; and

(c) any other person required by the Disciplinary Committee or by leave of the Disciplinary Committee to be joined.

Appearance in person or by counsel.

(2) Every party to the proceedings shall be entitled to be heard by the Disciplinary Committee either personally or through a counsel of his choice.

Appointment of counsel.

8. The Association shall appoint a legal practitioner to present its case before the Disciplinary Committee.

Evidence general.

9.—(1) The Evidence Act and strict Codes of Evidence shall not apply in relation to proceedings before the Disciplinary Committee.

(2) The procedure for the hearing of proceedings before the Disciplinary Committee shall be in accordance with these Rules and the Practice Directions issued by the Disciplinary Committee under the hand of the Chairman.

10.—(1) The Respondent shall within 24 days from the date of service on him of the Originating Application if he intends to defend the application, deliver to the Secretary an affidavit disclosing a defence to the Originating Application on the merit together with all other affidavits and documents he intends to rely on in his defence.

Written
evidence.

(2) The Disciplinary Committee may in its discretion, in respect of a whole case or of any particular fact or facts, proceed and act upon the affidavits of the parties alone provided that the Committee in its discretion may, in deserving circumstances permit the hearing of oral evidence or may summon any deponent for the purpose of cross-examination.

(3) Any party on whom affidavit has been served and who requires the attendance, at the hearing, of the deponent in question shall, not later than 9 days before the date of the hearing require, in writing, the other party to produce the deponent at the hearing for the purpose of cross-examination.

(4) If no party requires the attendance of a witness in accordance with the provisions of this rule, the Committee may proceed to determine the Originating Application on the basis of affidavit evidence alone.

(5) If a deponent who has been required to attend a hearing in accordance with the provisions of this Rule fails to do so, the onus shall be on the party seeking to rely on the affidavit of that deponent to show why his affidavit should be relied on as evidence.

11.—(1) In any proceedings before the Committee which relate to the decision of another court or tribunal, the following rules shall apply if the Committee is satisfied that the decision relates to a relevant party to the Originating Application.

Previous
findings of
record.

(2) A conviction for a criminal offence may be proved by the production of a certified copy of the judgment or certificate of conviction relating to the offence and proof of a conviction shall constitute evidence that the person in question was guilty of the offence. The judgment or certificate of conviction shall be conclusive proof of the facts on which the conviction is based.

(3) The finding of and penalty imposed by any Committee in or outside Nigeria exercising a professional disciplinary jurisdiction may be proved by producing a certified copy, or acceptable evidence of the order, ruling, direction or judgment, or a satisfactory translation thereof and the same shall be conclusive proof of the facts on which the order, ruling, direction, or judgment is made.

(4) The judgment of any civil court in any jurisdiction may be proved by producing a certified copy or acceptable evidence of the judgment or a satisfactory translation thereof of the judgment which shall be conclusive proof of the facts on which the judgment is made.

Hearing day and service of notice. etc.

12.—(1) On the direction of the Chairman/Presiding member of a Panel the Secretary shall fix a day for the hearing of the Originating Application and shall serve notice thereof on each party to the proceedings.

(2) The notice of hearing may be served either personally or by registered post or by courier service to the office or residence or to the last known place of abode of each party to the proceedings, or by e-mail to his e-mail address. In the case of the legal practitioner against whom an Application has been brought, by registered post or by courier service to his principal place of business or his last known place of abode, or by publication of the notice of hearing in a national newspaper with wide circulation in Nigeria or to his e-mail address. The service by publication in a newspaper shall not be vitiated by reason that the publication relates to or concerns any other legal practitioner listed therein.

(3) Where a party to the proceedings is represented by a counsel, service of any process meant for the party may be effected on the counsel in the manner herein provided, and such service shall be deemed to be good and sufficient.

Form of notice Schedule.

(4) The notice shall be in the form set out in the Schedule hereto and there shall be at least 15 days between the service of any such notice and the day fixed for hearing.

Service of Originating Application.

(5) Except where service is by publication in a national newspaper, the Secretary shall serve on every party, the notice of hearing and the Originating Application by the applicant forwarded to the Disciplinary Committee. For the purposes of subsequent hearing mere notices will be sufficient.

Hearing in absence of party.

13. If any party fails to appear at the hearing, the Disciplinary Committee may upon proof of service on such party of the notice of hearing proceed to hear and determine the Application in his absence.

Re-hearing.

14.—(1) Any party who has failed to appear at the hearing and is not represented by a counsel, or who previously appeared but subsequently fails to appear and is not represented by a counsel at the hearing may within fourteen days from the date when the pronouncement of the findings and direction of the Disciplinary Committee are given and upon giving notice to every other party and to the Secretary, apply to the Disciplinary Committee for a re-hearing.

(2) The Disciplinary Committee, if satisfied that it is just that the matter should be re-heard, may grant the application upon such terms as to costs or otherwise as it deems fit.

Adjournment for Association to investigate.

15. In the case of an Originating Application by a person other than the Association, the Committee may, where it is of the view that the case is one of doubt or difficulty direct the Secretary to notify the Association of the Originating Application to enable the Association to carry out its own investigations and—

- (a) if it thinks fit, initiate its own Originating Application ; or
- (b) by agreement with the applicant, undertake the prosecution of the Originating Application.

16. No member of the Disciplinary Committee may represent a legal practitioner against whom proceedings have been brought at any level of the proceeding, notwithstanding that he is not a member of the panel hearing the proceedings.

Appearance by members of Disciplinary Committee.

17. If any person willfully gives false evidence on oath before the Disciplinary Committee during the course of any proceedings or willfully makes a false statement in any affidavit sworn for the purposes of any such proceedings the Disciplinary Committee shall refer the matter to the appropriate Attorney-General for necessary action.

Giving of false evidence.

18. The Proceedings of the Disciplinary Committee including the announcement of the decisions of the Disciplinary Committee shall be held in public except where in the opinion of the Committee, the interest of the Legal Profession would be better served by hearing the matter in private. In all cases, however, the decision shall be announced in public.

Proceedings and pronouncement of decision.

19. The Disciplinary Committee may of its own motion or upon the application of any party adjourn the hearing of any matter before it upon such terms as to costs or otherwise as the Disciplinary Committee shall think fit.

Adjournment.

20.—(1) At the conclusion of the hearing of any matter before it, the Disciplinary Committee may direct the Parties or the counsel representing them to file and serve written addresses.

Written addresses.

(2) Argument of not more than 10 minutes may be allowed for each party to emphasize and clarify the written address filed.

Oral argument.

Provided that where at the hearing, oral argument has been allowed by the Disciplinary Committee in support of the written address, if any of the parties or their counsel are absent, the Disciplinary Committee may deem the address on behalf of the party as having been presented.

21. If, after the hearing, the Disciplinary Committee finds that the allegations of infamous conduct in a professional respect have not been proved, the Disciplinary Committee shall record a finding that the legal practitioner is not guilty of such conduct in respect of the matters to which the allegation relates.

Findings of not guilty.

22. If, after the hearing, the Disciplinary Committee finds that the allegation of infamous conduct in a professional respect has been proved, the Disciplinary Committee may, if it thinks fit, give direction—

Finding and direction if found guilty.

- (a) ordering the Registrar to strike the name of the legal practitioner off the roll ; or

(b) suspending the legal practitioner from practice by ordering him not to engage in practice as a legal practitioner for such period as may be specified in the direction ; or

(c) where appropriate, requiring the refund of funds that may have come into his hands in the course of the transaction subject matter of the Application or the handing over of documents or any other thing as the circumstances of the matter may require ; or

(d) admonishing the legal practitioner ;

Provided that in its discretion the Disciplinary Committee may direct that the legal practitioner should be subjected to more than one of the orders at the same time.

Finding not amounting to infamous conduct.

23. The Disciplinary Committee, if it finds proved a misconduct not amounting to infamous conduct in a professional capacity, may give such direction as the circumstances may require, not inconsistent with the provisions of the Act.

Revocation of finding.

24. Where the Committee has made a finding based solely upon a judgment or direction or proceedings, certificate of conviction for a criminal offence or any other judgment, which is subsequently quashed, or set aside the Committee may, on the application of the Association or the respondent to the Originating Application in respect of which the finding arose, revoke its finding and make such order as to costs as shall appear to be just in the circumstances.

Costs.

25. The Disciplinary Committee may order against a party costs of the proceedings having regard to his conduct and to all the circumstances of the Originating Application as the Disciplinary Committee may think fit.

Gazette publication.

26. Subject to the provisions of the Act which relate to the lodging of appeal against the direction of the Disciplinary Committee in accordance with paragraphs (a), (b), (c) and (d) of rule 22 and 24 hereof, the direction of the Committee shall be published in the Federal Gazette as soon as such direction takes effect.

Record of Proceedings.

27.—(1) (a) Notes of the proceedings of the Committee in a matter shall be taken in writing by the Chairman or by such other designated Presiding member of the Disciplinary Committee or by any other member as may be directed by the Chairman or Presiding Member, or by any electronic process.

(b) Any party who appeared at the proceeding shall be entitled to be supplied with a copy of the record of the proceedings on the payment of the prescribed fees under rule 31 of these Rules.

(2)The Secretary shall supply to any person entitled to be heard upon an appeal against the Direction of the Disciplinary Committee, and to the Association but to no other person, a copy of the record of proceedings on payment of such fees as prescribed under rule 31 of these Rules or as may be determined by the Disciplinary Committee.

28. The Disciplinary Committee may dispense with any requirement of these Rules respecting notices, affidavits, documents, service, or time, in any matter where it appears to the Disciplinary Committee to be just to do so. Non-compliance with any of the provisions of these Rules shall not render any proceeding void, unless the committee so directs.

Dispensing with Rules.

29. The Disciplinary Committee may in any given case extend or abridge the time for doing anything under these Rules.

Extension of time.

30. Unless as otherwise directed by the Disciplinary Committee any books, papers, or other exhibits, produced or used at a hearing, shall be retained by the Secretary until such time within which an appeal may be filed has expired; and, if notice of appeal is given, until the appeal is heard or otherwise disposed off.

Exhibits and books kept by Secretary.

31. The fees applicable for the time being in the Court of Appeal shall be applicable to proceedings before the Disciplinary Committee except that an Applicant shall be exempted from paying any fees.

Fees.

32. The Legal Practitioners (Disciplinary Committee) Rules, 2006 is hereby repealed.

Repeal.

SCHEDULE

FORMS

FORM 1

Rule 4(3)

FORM OF ORIGINATING APPLICATION in respect of allegations against a Legal Practitioner.

Number.....

IN THE MATTER OF THE LEGAL PRACTITIONERS ACT 2004

..... Applicant

..... Respondent

I,.....of.....

APPLY [on behalf of (1)] that (2)

of

be required to answer the allegations contained in the Statement/Affidavit which accompanies this Application and that such Order be made as the Committee shall think right.

SIGNED by the Applicant

.....

whose address for service is

.....
.....
.....

Dated

NOTES :

1. Applicant making an application on behalf of a third party to state the name of the third party.
2. Add the full names of the Respondent and his address or last known abode or last known place or places of business.



FORM OF NOTICE to accompany Statement of Evidence

Number.....

IN THE MATTER OF the Legal Practitioners Act 2004 and the Legal Practitioners Disciplinary Committee Rules 2020.

AND IN THE MATTER OF

.....*Applicant*

.....*Respondent*

TAKE NOTICE that the applicant/respondent proposes to rely upon the Statement(s)/Affidavit of Facts and accompanying documents on oath listed below, copies of which are served herewith.

If you wish any person who has made one of these statements to be required to attend the hearing as a witness you must, not less than 9 days before the date set down for the hearing of the application, notify me and the Secretary to the Committee to that effect. In the event of your failure to do so the Committee may accept the statement/affidavit in question in evidence without more.

LIST

Date of Statement

Name of Person who made the Statement/Affidavit

1.

2.

3.

Date :

Signed :

Address :

LEGAL PRACTITIONERS ACT, 2004
NOTICE OF HEARING BY LEGAL PRACTITIONERS
DISCIPLINARY COMMITTEE

Number.....

IN THE MATTER OF THE LEGAL PRACTITIONERS ACT, 2004

.....*Applicant*

.....*Respondent*

TAKE NOTICE that the complaint against you in the above matter is fixed for hearing by the Disciplinary Committee sitting at on the day of 20..... at O'clock in the forenoon.

AND FURTHER TAKE NOTICE that in default of appearance by you, the Legal Practitioners Disciplinary Committee may proceed to hear and determine the matter in your absence.

Dated this day of 20.....

.....
*Secretary to the Legal
Practitioners Disciplinary Committee*

FORM OF APPLICATION for a Rehearing

Number.....

IN THE MATTER OF the Legal Practitioners Act 2004 and the Legal Practitioners Disciplinary Committee Rules 2020.

AND IN THE MATTER OF

.....Applicant

.....Respondent

Number of case in respect of which a rehearing is requested

I APPLY under Rule 14(1) of the Legal Practitioners Disciplinary Committee Rules 2020 that the above mentioned case be reheard by the Committee. The facts upon which I rely in support of this application are set out below :

(set out here full details of the facts on which the applicant for a rehearing relies and include the reasons why the person applying for the rehearing did not appear or was not represented before the Committee at the earlier hearing and set out all matters which he wishes to place before the Committee in mitigation or otherwise).

Date :

Signed :

Address :



WITNESS SUMMONS

Number.....

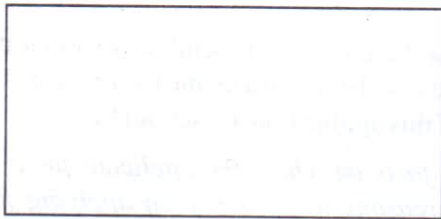
IN THE MATTER OF the Legal Practitioners Act 2004 and the Legal Practitioners Disciplinary Committee Rules 2020.

AND IN THE MATTER OF

.....Applicant

.....Respondent

To



You are summoned to attend at the Legal Practitioners' Disciplinary Committee at (.....) on of..... at..... (am)(pm) (and each following day of the hearing until the Committee tells you that you are no longer required.)

- to give evidence in respect of the above application
- to produce the following document(s) (give details)

The sum of N..... is paid or offered to you with this summons. This is to cover your travelling expenses to and from the Committee and includes an amount by way of compensation for loss of time.

This summons was issued on the application of the applicant (respondent) or the applicant's (respondent's) counsel whose name and address is :

Do not Ignore this Summons

If you were offered money for travel expenses and compensation for loss of time, at the time it was served on you, you must –

- attend the Committee on the date and time shown and/or produce documents as required by the summons ; and

take an oath or affirm as required for the purposes of answering questions about your evidence or the documents you have been asked to produce.

If you wish to set aside or vary this witness summons, you make an application to the Committee.

.....
*Chairman, Legal Practitioners
Disciplinary Committee.*

FORM of APPLICATION for restoration to the Roll of Court ; or
FORM of APPLICATION by a Legal Practitioner who has been suspended
from practice by order of the Committee for an order to bring the suspension
to an end.

Number.....

IN THE MATTER OF the Legal Practitioners Act 2004 and the Legal
Practitioners Disciplinary Committee Rules 2020.

I,..... of
was admitted as a Solicitor and Advocate of the Supreme Court of Nigeria
on

* By an Order of the Legal Practitioners Disciplinary Committee dated
..... a true copy of which is attached to this application, I was
struck off the Roll and—

- (1) I APPLY that my name be restored to the Roll of Court ;
- (2) I undertake to advertise this Application in accordance with the Rules.

* By an Order of the Legal Practitioners Disciplinary Committee
dated..... a true copy of which is attached to this application,
my right to practice was the subject of an order of suspension from practice
for period and I APPLY that a date be fixed for the ending of such
period of suspension.:

* *delete as appropriate*

I have attached the following documents to this application
(Applicant to list all documents attached including Affidavits,
other documents and Written Address relied on)

Dated : Signed

Note : This Form must be served on the Secretary to the Legal Practitioners
Disciplinary Committee and upon The Nigerian Bar Association accompanied
by Affidavit in support of the Application.

DATED this 5th day of March, 2020.

HON. JUSTICE DR. I. T. MUHAMMAD, CFR
Chief Justice of Nigeria

EXPLANATORY NOTE

(This note is not part of the Order)

These Rules regulate procedure for the making, hearing and determination of applications made to the Legal Practitioners' Disciplinary Committee constituted under the Legal Practitioners Act 2004.

In particular, the rules make provision about the following—

- (1) the constitution of the Panels of the Committee,
- (2) applications to the Committee,
- (3) procedure and rules of evidence,
- (4) other miscellaneous matters.

The Rules revoke the Legal Practitioners Disciplinary Committee Rules 2006.