

**A Critical Analysis Of The Jurisdiction Of The Legal Practitioners Disciplinary Committee
To Punish Legal Practitioners In Nigeria For Misconduct**

Judith E. Jessah*

Abstract

This paper examines the jurisdiction conferred on the Legal Practitioners Disciplinary Committee (LPDC) by the Legal Practitioners Act to punish legal practitioners in Nigeria for misconduct. Its objective is to explore the categories of persons over whom the LPDC has jurisdiction, the nature of offenses they can be charged with and tried for, and whether or not a legal practitioner can be punished for misconduct unconnected to law practice. This study reveals that legal practitioners in non-practicing roles, such as business executives, civil servants, or law professors, remain connected to the legal profession. They are therefore subject to the disciplinary authority of the LPDC. Not all misconduct by a legal practitioner, outside of practicing law, leads to disciplinary action. The paper argues that legal practitioners should be disciplined for misconduct outside the scope of legal practice only if it is dishonest or harmful to the profession, particularly when such misconduct is amplified on the internet and social media. Furthermore, even though the LPDC has limited jurisdiction to handle disciplinary matters involving legal practitioners, it extends its involvement to misconduct that is unrelated to the practice of law. Such misconduct includes the ones committed on social media. In conclusion, not all misconduct by a legal practitioner, outside the law practice, leads to disciplinary action. Nevertheless, legal practitioners will be disciplined for misconduct outside the scope of legal practice only if it is dishonest or harmful to the profession. The paper recommends that it is imperative that the NBA monitor the activities of its members, particularly on social media. They should not wait to receive formal complaints from the public before taking appropriate measures to subject legal practitioners who bring the profession to disciplinary measures by the LPDC.

Keywords: Discipline, Jurisdiction, Legal Practitioner, Punishment

Introduction

A cursory look at some of the notable law reports in Nigeria shows that many legal practitioners have been subjected to disciplinary proceedings for one allegation of misconduct or the other. The usual cases of misconduct revolve around acts or omissions committed by legal practitioners, while acting in their professional capacity as legal practitioners.¹ Examples are stealing or misappropriating the client's money² and dealing fraudulently with the client's landed property,³ a Senior Advocate of Nigeria (SAN) found not upholding the rule of law or interfering in the administration of justice;⁴ and the sale of land by a legal practitioner.⁵ The popularity of the internet, social media, and social networking sites among Nigerians, including legal practitioners, has brought to the fore the possibility of legal practitioners engaging in behaviors or activities that are frowned upon by the regulators of the profession and the general public. This is worrisome because these activities may not have been conducted in the course of the legal practitioner acting in their professional capacity. The controversy around this is whether or not such legal practitioners can be sanctioned by the regulatory bodies of the legal profession in Nigeria. It is against this backdrop that this paper examines the jurisdiction conferred on the Legal Practitioners Disciplinary Committee by the Legal Practitioners Act,⁶ the categories of persons over whom it has jurisdiction, and the nature of offenses they can be charged with and tried for. The question is whether or not legal practitioners who are not practicing can be punished for misconduct unconnected to law practice. For the purpose of comparison, reference is made to what is obtainable in the United States. pertaining to the discipline of erring legal practitioners, especially where the alleged misconduct does not involve the practice of law. The paper is divided into six parts, including the introduction, which gives background on the disciplines of legal practitioners in Nigeria. The second part discusses the conceptual basis for jurisdiction and the Legal Practitioners Disciplinary Committee. The third part analyzes the legal framework of the discipline of legal practitioners in Nigeria. Two of these instruments are the Legal Practitioners Act and the

*Judith E. Jessah, LL.B, LL.M, Ph. D, B. L Lecturer, Department of Public Law, University of Delta, Agbor, Delta State, Nigeria, Mobile Phone: +234803 544 9897. Email: judith.jessah@unidel.edu.ng jjessah@yahoo.com.

¹ In the course of this paper, there will be discussions about misconducts, by lawyers, which are unconnected with the practice of law.

² *Okike v NBA* (2005) NWLR (Pt 949) 471 SC; *NBA v Udeagha* (2006) 12 NWLR (Pt 994) 438 LPDC; *NBA v Iteogu* (2006) 13 NWLR (Pt 996) 219 LPDC; *NBA v Edu* (2006) 14 NWLR (Pt 1000) 827 LPDC; *NBA v Alabi* (2006) 14 NWLR (Pt 1000) 841 LPDC; *Olamolu v The State* (2013) 2 NWLR (Pt 1339) 580 CA; *NBA V Eseyin* (2015) 13 NWLR (Pt. 1475) 197 LPDC; *NBA v Gbenoba* (2015) 15 NWLR (Pt 1483) 585 LPDC; *NBA v Kalu* (2015) 17 NWLR (Pt. 1487) 199 LPDC; *NBA v Fobur* (2016) 3 NWLR (Pt 1498) 212 LPDC.;

³ *NBA v Koku* (2006) 11 NWLR (Pt 991) 431 LPDC, *NBA v Akintokun* (2006) 13 NWLR (Pt 996) 167 LPDC; *NBA v Atie* (2016) 10 NWLR (Pt 1520) 394 LPDC.

⁴ *Aondoakaa v Obot* (2016) 6 NWLR (Pt 1508) 280 CA; *NBA v Kalejaiye* (2016) 6 NWLR (Pt 1508) 393 LPDC; *Nwobike v. Federal Republic of Nigeria (2021)* LPELR 55670 SC.

⁵ See *NBA v Ibejunjo*, (2013) 18 NWLR (Pt 1386) 413 LPDC, where the LPDC found a legal practitioner guilty of professional misconduct for selling land and it directed that his name be struck off the roll.

⁶ Legal Practitioners Act Cap L 11 Laws of the Federation of Nigeria 2004.

Rules of Professional Conduct for Legal Practitioners in Nigeria. The fourth part dwells on the scope and limitations of the jurisdiction of the LPDC and seeks to provide answers to questions such as who can be described as a legal practitioner within the meaning of the Legal Practitioners Act to establish the fact that the activities of a legal practitioner, even when unconnected to the legal practice, can subject him to the jurisdiction of the Legal Practitioners Disciplinary Committee. The fifth part compares what is obtainable in Nigeria with practices in other jurisdictions. In particular, it looked at the American approach to the discipline of legal practitioners for conduct not involving the practice of law. The essence of the comparison is to present the lessons learned from other jurisdictions. In addition, it shows that the practice in Nigeria is not at odds with the rules of professional ethics applicable in other common law jurisdictions. The sixth and final part provides the recommendation and concludes the paper. The paper adopted the doctrinal research method. This involved the retrieval of all relevant materials, both primary and secondary, dealing with the subject matter in question.

The Concept of Jurisdiction

The term “jurisdiction” has several meanings, depending on the context in which it is used. In Black’s Law Dictionary, jurisdiction is defined as “a government’s general power to exercise authority over all persons and things within its territory, especially a state’s power to create interest that will be recognized under common law principles as valid in other states; a court’s power to decide a case or issue a decree.”⁷ A more watered-down definition of jurisdiction, according to Dodson, is that it is a legitimate authority to enter judgment.⁸ The starting point to determine whether or not a court or tribunal has jurisdiction is to examine the claim endorsed on the writ, or stated in the statement of claim, before the court vis-à-vis the applicable law. How the claim is couched, as well as the reliefs sought by the claimant, would determine if, according to the applicable law, the court or tribunal has jurisdiction to hear and determine the claim.⁹ The Supreme Court addressed this by highlighting the guiding principles for determining whether or not a court or tribunal has jurisdiction. In the popular case of *Madukolu v Nkemdilim*,¹⁰ the court or tribunal must be properly constituted with respect to the number and qualification of its members. The subject matter of the action must be within its jurisdiction, and the action must be initiated by due

⁷ B. A. Garner, *Black’s Law Dictionary* (9th edn, Thomson Reuters, 2009) 927. It is also defined, in Merriam Webster’s Dictionary, as “the power, right, or authority to interpret and apply the law; the authority of a sovereign power to govern or legislate; the power or right to exercise authority; the limits or territory within which authority may be exercised. See Merriam Webster’s Dictionary, “Jurisdiction” <[Jurisdiction Definition & Meaning - Merriam-Webster](#)> accessed 5 September 2023.

⁸ Scott Dodson, Jurisdiction and its Effects, (2017) 105 *The Georgetown Law Journal* 619-660, 627 <https://repository.uchastings.edu/faculty_scholarship/1575> accessed 5 September 2023.

⁹ See *Madukolu v. Nkemdilim* (1962) 1 ALL NLR 581 at 587; (1962) 2 SCNLR 341, *Emeka v. Okadigbo* (2012)18 N.W.L.R. (Pt. 331) 55. See also *F.B.N. Plc v. Maiwada* (2013) 5 NWLR (Pt. 1348) 444; *S.P.D.C.N. Ltd. v. Sam Royal Hotel (Nig.) Ltd.* (2016) 8 NWLR (Pt. 1514) 318; *Hamzat v. Sani* (2015).

¹⁰ (1962) 1 ALL NLR 587; (1962) 2 SCNLR 341.

process of law. Any condition precedent to the exercise of its jurisdiction must be fulfilled.¹¹ Jurisdiction has different forms. For the purpose of this paper, however, reference would be made only to jurisdiction *in personam* and jurisdiction *in rem*.¹² *In personam* jurisdiction, also known as personal jurisdiction, is “a court’s power to bring a person into its adjudicative process and jurisdiction over a defendant’s personal rights, rather than merely over property interests.”¹³ It is “the jurisdiction granted a court over persons before it that allows the court to issue a binding judgment,” while *in rem* jurisdiction is “the jurisdiction granted a court over property that allows the court to issue binding judgments (as an order for partition) affecting a person’s interests in the property.”¹⁴

According to Ehrenzweig,¹⁵ “*in personam* jurisdiction over an individual defendant can be acquired by mere physical service of process, even in a forum where neither plaintiff nor defendant resides and which has no connection with the cause of action.”¹⁶ In *NDIC v CBN & ANOR*,¹⁷ the Supreme Court, per Uwaifo J.S.C., had this to say concerning jurisdiction:

Jurisdiction is the very basis on which any tribunal tries a case; it is the lifeline of all trials. A trial without jurisdiction is a nullity. This importance of jurisdiction is why it can be raised at any stage of a case, be it at the trial, on appeal to Court of Appeal or to this Court; *a fortiori* the Court can *suo motu* raise it. It is desirable that preliminary objection be raised early on issues of jurisdiction. Once it is apparent to any party that, the Court may not have jurisdiction, it can be raised even *viva voce* as in this case. It is always in the interest of justice to raise issues of jurisdiction so as to save time/costs and avoid a trial in nullity.

Jurisdiction or competence to entertain an action is so sacrosanct that the parties to the suit cannot, by acquiescence, waiver, or even agreement, confer jurisdiction or competence upon the court or tribunal.¹⁸ The common trend that runs through the above definitions of jurisdiction is that it is an authority or power bestowed on a court or body charged with adjudicatory duty that results in the giving of an order or judgment that is binding. Therefore, this requires a further definition of the terms court, tribunal, and adjudication. It is against this backdrop that this paper aims to interrogate the scope or limit to the jurisdiction of the Legal Practitioners Disciplinary Committee (LPDC). It

¹¹ *Ibid.*

¹² Other types of jurisdiction include; original jurisdiction, appellate jurisdiction *et cetera*.

¹³ Garner (n 7) 930. This is in contrast with jurisdiction *in rem* which is a “court’s power to adjudicate the rights to a given piece of property, including the power to seize and hold it”. See Garner (n 7) 929.

¹⁴ Merriam Webster’s Dictionary (n 7).

¹⁵ Albert A. Ehrenzweig, ‘The Transient Rule of Personal Jurisdiction: The Power Myth and Forum. *Convensiens*’ (1965) 65 Yale Law Journal 289 cited in Hakeem Abimbola Olaniyan, *Jurisdiction of Nigerian Courts in Causes with Foreign Elements* (University of Lagos Press, 213) 60.

¹⁶ *Ibid.*

¹⁷ (2002) LPELR-2000(SC).

¹⁸ *Skypower Exp. Airways Ltd. v. U.B.A. Plc* (2022) 6 NWLR (Pt. 1826) 203. See also *Ugo v. Okafor* (1996) 3 NWLR (Pt. 438) 542; *Ijebu-Ode L.G. v. Adedeji Balogun & Co.* (1991) 1 NWLR (Pt. 166) 136.

is imperative that the term “limited jurisdiction” be defined. Also, the nature of proceedings, whether civil or criminal, conducted before the LPDC needs to be defined.

This paper posits that the jurisdiction of the LPDC is limited¹⁹ in the sense that it does not handle those types of matters usually handled by the regular courts created under Chapter VII of the Constitution of the Federal Republic of Nigeria (1999). It strictly handles disciplinary cases. Cases involving the commission of any offense not specified in the enabling law of the LPDC but which are criminalized under the Criminal Code²⁰ or any other statute²¹ are handled by the regular courts. Furthermore, the LPDC does not have the jurisdiction to handle all disciplinary matters,²² but only those wherein a legal practitioner is the alleged offender. The LPDC, though not a traditional court, serves as an adjudicatory body.²³ This role makes it a tribunal.²⁴ However, its proceedings are not strictly criminal or civil.²⁵ They are *quasi* criminal. A *quasi* criminal proceeding is “a civil proceeding that is conducted in conformity with the rules of a criminal proceedings because a penalty analogous to a criminal penalty may apply.”²⁶

The High Court of Australia, equivalent to the Supreme Court of Nigeria, is the highest court in that country. It held in the case of *Waterside Workers’ Federation of Australia v. J.W. Alexander Ltd*²⁷ that:

It is impossible under the constitution to confer such functions upon anybody other than a court, nor can the difficulty be avoided by designating a body, which is not in its essential character a court, by that name, or by calling the function by another name. In short, any attempt to vest any part of the judicial power...in any body other than a court is entirely ineffective.²⁸

The court further stated that “it is not disputed that convictions for offenses and the imposition of penalties and punishments are matters appertaining exclusively to judicial powers.”²⁹

¹⁹ Limited jurisdiction is “jurisdiction that is conferred to a particular type of case that may be exercised only under statutory limits and prescriptions” Garner (n 7) 930.

²⁰ CAP C 38 LFN 2004.

²¹ Some other penal laws in Nigeria include; Corrupt Practices and other Related Offences Act 2000 CAP C31 LFN 2004, the Penal Code CAP P3 LFN 2004; the Economic and Financial Crimes Commission Act; Money Laundering (Prohibition) Act 2011; Advanced Fee Fraud and other Fraud Related Offences Act 2006.

²² For instance, the Medical and Dental Practitioners Disciplinary Tribunal, which handle disciplinary cases involving medical practitioners. See *Denloye v. Medical and Dental Practitioners Disciplinary Committee* (1968) LPELR - 25526 (SC).

²³ Adjudication is “the legal process of resolving a dispute; the process of judicially deciding a case”. See Garner (n 7) 47.

²⁴ A tribunal is “a court or other adjudicatory body”. See Garner (n 7) 1646.

²⁵ A criminal proceeding is “a proceeding instituted to determine a person’s guilt or innocence or to set a convicted person’s punishment; a criminal hearing or trial. Blacks Law 1324.

²⁶ Garner (n 7) 1324.

²⁷ (1918) 25 CLR 434.

²⁸ Per Chief Justice Griffith at page 442 for the Court:

²⁹ Ibid at page 444.

Taking a cue from the above statement, Nwabueze³⁰ persuasively argued that under the Constitution of Nigeria 1999, judicial power is vested in courts specified in Section 6(5), and as such, the courts so listed are the only tribunals that can try and convict a person for a criminal offense under the principle laid down in *Waterside Workers' Federation of Australia v. J.W. Alexander Ltd.*³¹ Therefore, the Code of Conduct Tribunal, not being so listed, has no power or jurisdiction, derived from the Constitution, to try, convict, and impose punishment on persons for a criminal offense. The decision of the Supreme Court in the case of *Dr. Olubukola Saraki v. Federal Republic of Nigeria*,³² attributing such jurisdiction to it, as jurisdiction derived from the Constitution, is null and void under Section 1(3) of the Constitution.³³ Also, any law made by the National Assembly that confers such jurisdiction on the CCT is null and void.³⁴

Similar arguments can be made with references to the Legal Practitioners Disciplinary Committee. Not being a court, or tribunal, specified in Section 6(5) of the 1999 Constitution as having judicial powers, it lacks judicial powers to try, convict, and impose punishment for a criminal offense. This explains why the proceedings before the LPDC can be described as quasi-criminal. It has the power to impose sanctions but no power to convict a person of a criminal offense. As Lord Viscount Haldane explained in *John Russel & Co. v. Cayzer Irvine & Co. Ltd.*,³⁵

The root principle of the English Law about jurisdiction is that judges stand in the place of the sovereign in whose name they administer justice and that, therefore, whoever is served with the king's writ and can be compelled consequently to submit to the decree, is a person over whom the courts have jurisdiction.³⁶

To assume jurisdiction, a court or tribunal must ensure that there is personal service of the 'writ,' unless the defendant waives this right and voluntarily submits to its authority.³⁷ Before the LPDC can have authority over a person, compel their attendance, or issue binding orders, a notice of hearing must be served on such a person.³⁸

³⁰ Ben Nwabueze, 'Matters Arising from the Supreme Court Judgment in the Saraki Case' (The Guardian; Lagos, 17 February, 2023) <[Matters arising from the Supreme Court judgment in the Saraki case \(1\) | The Guardian Nigeria News - Nigeria and World News — Politics — The Guardian Nigeria News – Nigeria and World News](#)> accessed 24 November, 2023.

³¹ *Waterside Workers Federation case* (n 27).

³² Unreported Appeal No SC 852/2015 judgement delivered on 5 February, 2015.

<[Dr. Olubukola Abubakar Saraki V. Federal Republic Of Nigeria - Legalpedia | The Completelegal prcaitioner - Research | Productivity | Health \(legalpediaonline.com\)](#)> accessed 24 November, 2023.

³³ Nwabueze (n 30).

³⁴ *Ibid.*

³⁵ (1916)2 A. C. 298, 302 cited in Olaniyan (n 15) 60.

³⁶ (1916) 2 A. C. 298, 302 cited in Olaniyan (n 15) 60.

³⁷ Olaniyan (n 15) 63.

³⁸ The notice of hearing may be served either personally, or by registered post, addressed to the residence of each party to the proceedings, or in the case of the legal practitioner against whom charges have been brought, by registered post addressed to his principal place of business or to the address given by him when he last paid a practicing fee' see the Legal Practitioners Disciplinary Committee Rules 2020 S 7(2).

The Legal Practitioners Act and the Rules of Professional Conduct for Legal Practitioners in Nigeria

The first law to regulate the legal profession in Nigeria was the Supreme Court Ordinance of 1876.³⁹ It established two types of legal practitioners: local and professionally qualified attorneys.⁴⁰ The Legal Practitioners Act 1992 is currently the main law governing the legal profession in Nigeria. This Act set up the LPDC and other regulating bodies.⁴¹ The LPDC comprises the Attorney-General of the Federation as chairman, the Attorney-General of all Nigerian states, and 12 legal practitioners with at least ten years' experience. They are appointed by the Benchers upon the Nigerian Bar Association's recommendation.⁴² The RPC 2007⁴³ was also produced by the General Council of the Bar under this Act.⁴⁴ The Rules of Professional Conduct for Legal Practitioners are a set of rules that guide the attitude of legal practitioners or the manner in which they perform their professional legal services. In Nigeria, they are known as the Rules of Professional Conduct for Legal Practitioners (RPC), which were formulated in 1967. They were reviewed in 1980 and 1982. As there were loopholes in them, the then Nigerian Minister of Justice, in 2005, proposed changes to the RPC. The changes were officially approved by the General Council of the Bar at its meeting held on November 20, 2006.⁴⁵ It was subsequently published as the Rules of Professional Conduct for Legal Practitioners 2007.⁴⁶ These rules came into effect on January 2, 2007.⁴⁷ According to Rule 55, legal practitioners who violate the rules or neglect their prescribed duties are considered guilty of professional misconduct and can face sanctions under Section 12(1) of the LPA.⁴⁸

The General Council of the Bar, under the Law Practice Act, adopted the new RPC 2023⁴⁹ on June 6, 2023, to maintain high standards of conduct, etiquette, and discipline among legal practitioners in Nigeria. The new RPC consists of 78 rules in three chapters. Chapter 1 covers Codes of Conduct

³⁹ Supreme Court Ordinance No 4 1876.

⁴⁰ A.J. Beredugo., *Nigerian Legal System*, (3rd edn, Malthouse Limited, 2009) p. 203.

⁴¹ The General Council of the Bar (LPA S. 1); the Body of Benchers (LPA S. 3); the Legal Practitioners Privileges Committee (LPAS. 5(3)); the Legal Practitioners Disciplinary Committee (the LPA S. 10); the Legal Practitioners Remuneration Committee (LPA S. 15).

⁴² Legal Practitioners Act S. 10 (2).

⁴³ This has been revised and the new Rules of Professional Conduct 2023 will take effect on 1st of January 2024.

⁴⁴ See Legal Practitioners Act S 11 (4).

⁴⁵ The Legal Practitioners Act as amended S. 12(4) now provides that, "it shall be the duty of the Bar Council to make rules from time to time on professional conduct and such rules to be published in the gazette and distributed to all the branches of the Nigerian Bar Association".

⁴⁶ as Statutory Instrument (S.I) No.6 in the Federal Republic of Nigeria Official Gazette No. 11 Volume 94 of 24 January, 2007.

⁴⁷ J.O. Orojo, *Professional Conduct of Legal Practitioners in Nigeria* (Mafix Books Limited, Yaba, 2008) 129. See also the Federal Republic of Nigeria Official Gazette No. 11, Volume 94 of 24/1/2007 at B.57.

⁴⁸ RPC Rule 55.

⁴⁹ As Statutory Instrument (S.I) No.69 in the Federal Republic of Nigeria Official Gazette No. 106 Volume 110 of 6th June, 2023.

for Legal Practitioners, chapter 2 covers Codes for Anti-Money Laundering and Counter-Terrorism Guidelines for legal practitioners, and chapter 3 covers miscellaneous provisions.⁵⁰

The Scope and Limitation of Jurisdiction of the LPDC

The LPDC is responsible for hearing allegations of misconduct against legal practitioners and for imposing penalties for violations.⁵¹ The Legal Practitioners Act is the first port of call when ascertaining the jurisdiction of the LPDC. Section 10 (1)⁵² established the LPDC. For the LPDC to assume jurisdiction over any matter, the following conditions must be satisfied: the person involved must have his name on the list of legal practitioners; the person must have misbehaved in his capacity as a legal practitioner;⁵³ or, for any other reason, the person should be made the subject of proceedings under the LPA. This paper argues that for the second condition to be fulfilled, the alleged misconduct must occur while providing legal services. For the third one to be fulfilled, the alleged misconduct need not be connected with the one's practice as a legal practitioner. Notwithstanding this distinction, which shall be illustrated in a subsequent segment of this paper, the factor common to both scenarios is that the person involved must be a legal practitioner in order to be subject to the jurisdiction of the LPDC. A referral would be made to the LPA to see how the term "legal practitioner" is defined.

Definition of Legal Practitioner under the LPA

A legal practitioner is a person listed in the register of legal practitioners maintained by the Registrar of the Supreme Court.⁵⁴ They are authorized by the Legal Practitioners Act to practice law generally or for specific purposes. A person practicing law in Nigeria is qualified to be a

⁵⁰ The provisions in the RPC 2023, specifically Rule 1 to Rule 54, are similar to those in the RPC 2007. One notable provision is Rule 48(2) of the RPC 2023, stating that legal practitioners' fees should not violate the remuneration order. This is in contrast with the RPC 2007, which simply prohibits legal practitioners from charging illegal or excessive fees. The Remuneration Order offers detailed guidance on legal practitioners' remuneration in Nigeria. See Adeife Omolumo, A Review of the Rules of Professional Conduct (RPC), 2023 <[A Review Of The Rules Of Professional Conduct \(RPC\), 2023 - Money Laundering - Nigeria \(mondaq.com\)](#)> accessed 5 September 2023.

⁵¹ See Legal Practitioners Act S. 10.

⁵² See Legal Practitioners Act S. 10(1), "There shall be a committee to be known as the Legal Practitioners' Disciplinary Committee (in this Act referred to as "the Disciplinary Committee") which shall be charged with the duty of considering and determining any case where **it is alleged that a person whose name is on the roll has misbehaved in his capacity as a legal practitioner or should for any other reason be the subject of proceedings under this Act.**" (Emphasis supplied).

⁵³ This involves any allegation of misconduct by the legal practitioner in the course of rendering his professional services as a lawyer. See the cases of *Okike v NBA* (2005) NWLR (Pt 949) 471 SC; *NBA v Udeagha* (2006) 12 NWLR (Pt 994) 438 LPDC; *NBA v Iteogu* (2006) 13 NWLR (Pt 996) 219 LPDC; *NBA v Edu* (2006) 14 NWLR (Pt 1000) 827 LPDC; *NBA v Alabi* (2006) 14 NWLR (Pt 1000) 841 LPDC; *Olamolu v The State* (2013) 2 NWLR (Pt 1339) 580 CA; *NBA V Eseyin* (2015) 13 NWLR (Pt. 1475) 197 LPDC; *NBA v Gbenoba* (2015) 15 NWLR (Pt 1483) 585 LPDC; *NBA v Kalu* (2015) 17 NWLR (Pt. 1487) 199 LPDC; *NBA v Fobur* (2016) 3 NWLR (Pt 1498) 212 LPDC.

⁵⁴ *Okafor v Nweke* (2007) 10 NWLR (pt. 1043) 521. Legal Practitioners Act (Cap. L11) Laws of the Federation of Nigeria (LFN) 2004 s. 24.

barrister and/or solicitor.⁵⁵ A barrister is responsible for representing and defending clients in court. He is a professional legal practitioner with the right to appear in all courts in Nigeria. There are three main types of legal practitioners in Nigeria. They are:

Legal Practitioners who have the right to practice law in general

According to Section 2 of the Law Practices Act, a person is entitled to practice law generally as an advocate and solicitor if and only if he has been called to the Nigerian Bar⁵⁶ and his name has been registered with the Supreme Court.⁵⁷ They are private practitioners who practice as lawyers, solicitors, or both. The term “general practitioner” also includes corporate solicitors employed in private or public organizations and agencies.⁵⁸

Legal Practitioners entitled to practice according to their positions

These are legal practitioners who work full-time in a state or federal government agency or undertake and perform designated law practice functions in a state or federal government agency. The Legal Practitioners Act provides that every person holding and performing the functions of the office of Attorney General, Solicitor General, or Director of Public Prosecutions of the State or the Federation has the right to practice law by virtue of his or her office.⁵⁹

Legal Practitioners who are allowed to practice in specific cases

These are legal practitioners from foreign countries with similar legal systems to Nigeria. These foreign legal practitioners can apply and be appointed by the Chief Justice of Nigeria to practice as barristers and solicitors in a particular proceeding.⁶⁰

From the above definition, it is clear that once a person’s name has been entered in the roll of legal practitioners, to all intents and purposes, he is a legal practitioner. It is immaterial whether or not they are practicing as a barrister or solicitor, engaging in business or in the entertainment industry.⁶¹

⁵⁵ Beredugo (n 40) 204.

⁵⁶ By Section 4(1) of the Legal Practitioners Act, a person shall be entitled to be called to the Bar if, and if- (a) he is a citizen of Nigeria; and (b) he produces a qualifying certificate to the Benchers; and (c) he satisfied the [body] of Benchers that he is of good character. It should be noted that the requirement of Nigerian citizenship is no longer sacrosanct pursuant to the Legal Education (Consolidation Act etc) (Amendment) Decree No. 8 and of 1992 and Legal Practitioners Act (Amendment) Decree No.9 of 1992.

⁵⁷ 2(1) of the Legal Practitioners Act S. 2(1).

⁵⁸ Beredugo (n 40) 204.

⁵⁹ Legal Practitioners Act S. 2(3).

⁶⁰ Beredugo (n 40) 207.

⁶¹ Thus, merely calling oneself a lawyer, even on social media, does not make one such, though it renders one liable to being prosecuted for impersonation.

Discipline of Legal Practitioners

The LPDC, the Supreme Court of Nigeria, and the Chief Justice of Nigeria discipline legal practitioners.⁶² Appeals from LPDC go to the Supreme Court under Section 12 of the LPA as amended.⁶³ However, the Supreme Court's rulings in *NBA v. Aladejobi*⁶⁴ and *Akintokun v. LPDC*⁶⁵ state that appeals from the LPDC can be referred to the now defunct Appeal Committee of the Body of Benchers (ACBB). Where can a dissatisfied party appeal the LPDC's decision in light of the Supreme Court's ruling?⁶⁶ The LPDC serves as a watchdog for legal practitioners, ensuring their conduct is in line with regulations. The jurisdiction of the LPDC/NBA over legal practitioners in Nigeria is *in personam*.⁶⁷ The LPDC has the jurisdiction to address all claims against legal practitioners regarding professional offenses. However, the Supreme Court's disciplinary powers appear to focus on one specific offense. According to the LPA, the Supreme Court can only handle cases of infamous misconduct where the practitioner has been found guilty in any professional matter brought before the Supreme Court or other courts of record in Nigeria.⁶⁸ The scope of this article is limited to examining the jurisdictional scope of the LPDC.⁶⁹ There are four professional offenses outlined in Section 12 of the LPA⁷⁰ for which legal practitioners can be sanctioned by the LPDC. Thus, legal practitioners who are alleged to have been involved in infamous conduct, or acted disgracefully may face disciplinary measures by the LPDC. "Infamous conduct" is not specified by the LPA, but it was defined in *Allison v. The General Council of Medical Education and Registration*⁷¹ as behavior considered disgraceful or dishonorable by professional colleagues of good repute and conscience. In *M.D.P.T. v Okonkwo*,⁷² the court ruled that infamous conduct must be a serious breach of professional standards and ethics that is so outrageous and

⁶² Legal Practitioners Act (Cap. L11) LFN 2004 s. 11(1), 13(1) and 13(2) respectively.

⁶³ Section 10(e) Legal Practitioners Amendment Decree No 21; 1994 (now act) amended the previous section 11(7) of the Legal Practitioners Act.

⁶⁴ (2008) 14 NWLR (Pt. 1108) 611.

⁶⁵ (2014) LPELR-22941 SC.

⁶⁶ The Supreme Court's decision in these two cases raises issues of conflict of interest and lack of fair hearing in view of the fact that the members of the LPDC, as well as the Appeal Committee of the Body of Benchers. Benchers, are drawn from the Body of Benchers, thus giving rise to the Body of Benchers sitting on an appeal over its own decision and the Appeal Committee. These issues are, however, outside the purview of this paper.

⁶⁷ For a definition of "*in personam* jurisdiction", See (n 10).

⁶⁸ Legal Practitioners Act (Cap. L11) LFN 2004 s. 13(1).

⁶⁹ Consequently, detailed discussions on the jurisdiction of the Supreme Court and the Chief Justice of Nigeria, to discipline legal practitioners in Nigeria, is outside the purview of this paper.

⁷⁰ The offences are:

(i) Infamous conduct in any professional respect; or

(ii) Being convicted of any crime which is incompatible with the status of a legal practitioner by any court of competent jurisdiction in Nigeria; or

(iii) Obtaining enrolment by fraud; or

(iv) For any act that is generally regarded as incompatible with the status of a legal practitioner. See Legal Practitioners Act S. 12.

⁷¹ (1894) 1 Q.B 750.

⁷² (2001) 7 NWLR (Pt. 711) 206.

reprehensible that it would bring the profession into disrepute if allowed. Section 12(2) of the LPA covers conduct that could bring dishonor or disrepute to the legal profession, such as seducing a client's wife, public drunkenness, and participating in street fights.⁷³ Section 11 states that if a legal practitioner is convicted by the LPDC of professional misconduct, convicted by a Nigerian court of conduct unbecoming of a lawyer, or registered fraudulently, the LPDC may order their name to be removed from the Register of Lawyers, suspend their law practice for a period of time, or admonish them.⁷⁴ However, if a legal practitioner is guilty of misconduct that is not infamous but incompatible with the character of a legal practitioner, the LPDC can suspend or admonish them but cannot remove their name from the legal practitioner's register.⁷⁵ In addition to the LPA, the LPDC also relies on the RPC to determine whether or not a legal practitioner is guilty of professional misconduct. Rule 15 of the RPC 2023⁷⁶ is very pertinent and contains elaborate provisions on what type of behavior, when exhibited by a legal practitioner, would be considered professional misconduct. Of particular note is Rule 15 (2) (c) which is couched in such language that it can accommodate sundry conducts as constituting professional misconduct by a legal practitioner, including when such conducts are exhibited in public places, particularly the internet and social media. The use of the expression "moral turpitude", in Section 15 (2) (b), also leaves the LPDC with wide discretionary powers to determine what is immoral, depending on the context of the behavior complained of.⁷⁷

The recent report on Ifunanya Grant has prompted the Nigerian Bar Association to petition the LPDC over alleged misconduct. Grant, known as 'the baddest lawyer' on social media, is accused of posting nude photos, videos, and smoking marijuana, while identifying as a legal practitioner.⁷⁸ A study by Abuchi, Bassey, and Dauda, reveals that there is an increasing rise in the

⁷³ Michael Chukwujindu Ogwezzy, 'The Legal Practitioners Act: A Code for Regulating the Conduct of Lawyers in Nigeria' (2013) 3AGORA International Journal of Juridical Sciences 108-109, 112.

⁷⁴ See Legal Practitioners Act S. 11(1).

⁷⁵ Legal Practitioners Act S. 11(2).

⁷⁶ This is in *pari materia* with the old RPC 2007 published as Statutory Instrument (SI) No.6 in the Federal Republic of Nigeria Official Gazette No.11 Volume 94 of 24 January, 2007. The commencement date of the Rules is 2 January, 2007.

⁷⁷ See generally Rule 15 of the Rules of Professional Conduct which provides as follows:

"(1) A legal practitioner shall uphold and observe the rule of law, promote and foster the course of justice, maintain a high standard of professional conduct, and shall not engage in any conduct which is unbecoming of a legal practitioner. (2) Without prejudice to the generality of sub-rule (1) of this rule, **a legal practitioner shall not engage in any conduct that will bring into disrepute** the rule of law, the administration of justice or **the honour and integrity of the legal profession** and in particular, shall not -

(a) violate any of the rules of professional conduct.

(b) **engage in illegal conduct involving moral turpitude, or**

(c) **engage in any other conduct that adversely reflects on his fitness to practice as a legal practitioner**". (Emphasis supplied).

⁷⁸ Solomon Odeniyi, 'NBA Drags Adamawa REC, 'Baddest Lawyer' Before Disciplinary Committee' (Punch 19 August 2023) <[NBA drags Adamawa REC, 'baddest lawyer' before disciplinary committee \(punchng.com\)](https://punchng.com/nba-drags-adamawa-rec-baddest-lawyer-before-disciplinary-committee/)> accessed 5 September 2023.

use of drugs and psychoactive substances among youths, most especially females, in Nigeria.⁷⁹ This case attracted public attention, not simply because it involved the use or possession of illegal drugs but also because it involved a legal practitioner, a person who should have learned about the law. The following questions call for consideration:

- Whether or not Ifunnanya can be described as a legal practitioner within the meaning of the LPA?
- Whether or not the activities of a legal practitioner unconnected with legal practice can subject him to the jurisdiction of the LPDC?
- Whether or not a legal practitioner who abuses chemical substances, such as alcohol or drugs, can be adjudged guilty of professional misconduct under the LPA and RPC. What does the law say about chemical substances like marijuana as was alleged to have been taken by Ifunnanya as recorded on a video posted on social media?

Ifunanya Grant, in videos on social media, stated that she is not a practicing legal practitioner. In addition, she said she aspires to be a model, actress, and musician, and does not intend to practice law. She added that there are many fake social media pages using her name. The materials in question, she said, could have been altered to present a false narrative.⁸⁰

On the first issue, it has already been established that, from the provisions of Section 2 of the LPA, once a person's name has been entered in the roll of legal practitioners, to all intents and purposes, he is a legal practitioner, and it is immaterial whether or not they are practicing as a barrister or solicitor, or engaging in business, or in the entertainment industry.⁸¹ So, by this section, Ifunanya Grant is a legal practitioner, and the fact that she is not currently practicing law is immaterial. The second and third issues will be considered in light of her defense that she is not a practicing legal practitioner but an entertainer. This paper argues that she is not necessarily the only legal practitioner in the entertainment industry. There are a few legal practitioners who, while already established in entertainment, proceeded to study law and became legal practitioners;⁸² as well as

⁷⁹ Ugwuoke Kelvin Abuchi, Mfon Fintan Bassey and Omotola Kazeem Dauda, 'Drug Policy and Control in Nigeria: The Role of the National Drugs Law Enforcement Agency' (2019) 4 (5) *Novel Approaches in Drug Designing & Development* 1-4 DOI: 10.19080/NAPDD.2019.04.555648; "A psychotropic describes any drug that affects behavior, mood, thoughts, or perception. It's an umbrella term for a lot of different drugs, including prescription drugs and commonly misused drugs". See Malini Ghoshal, "What is a Psychotropic Drug? Types, Uses, Side Effects, Risks & More" (6 November 2019) <[What Is a Psychotropic Drug? Types, Uses, Side Effects, Risks & More \(healthline.com\)](#)> accessed 5 September 2023. See also K. Chaturvedi, 'Cannabis as a psychotropic medication' (2004) 185 *British Journal of Psychiatry* (1) 78 DOI: <<https://doi.org/10.1192/bjp.185.1.78>> accessed 5 September 2023.

⁸⁰ Yejide Gbenga-Ogundare, 'NBA vs Baddest lawyer: Does the NBA have a case?' (Nigerian Tribune 30 August 2023) <[NBA vs Baddest lawyer: Does the NBA have a case? - Tribune Online \(tribuneonline.com\)](#)> accessed 5 September 2023.

⁸¹ Thus, merely calling oneself a lawyer, even on social media, does not make one such, though it renders one liable to being prosecuted for impersonation.

⁸² For example, actors such as, Kanayo O. Kanayo, Kenneth Okonkwo et cetera. See Tofarati Ige, 'Becoming

others whom, after they were called to the Bar, chose a career path in entertainment.⁸³ Her case, however, appears to be the first one involving prosecution before the LPDC. The onus is, therefore, on her to prove the allegation that the social media pages with her name are fictitious and that the majority of the materials about her available on social media could have been altered to present a negative picture of her. He who asserts must prove. She needs to establish the steps she took, prior to then, to address the issue of her image and name being used for negative activities. She needs to clarify that she sought help from fellow legal practitioners to redress the alleged damage to her reputation. In the absence of proof, her defense would be weak and speculative. The law deals with facts, and not speculation.⁸⁴

Furthermore, the use of the name "baddest lawyer" as her social media name contradicts her claim of not practicing as a lawyer and is suggestive of an intentional effort to be seen as a legal practitioner by the public. If she was not a legal practitioner, she could still face prosecution for impersonating one. Since she is a legal practitioner and wants to be seen as one, it is only fair that she upholds the ethics of the legal profession. Hence, by filing a complaint against her, the NBA has simply taken steps to preserve the legal profession's dignity by stopping her from further posing nude and using illegal substances. It is not going to restrict her income as an entertainer. In addition, legal practitioners in Nigeria must dress neatly, respectfully, and soberly, both inside and outside the courtroom.⁸⁵ A shabbily dressed legal practitioner invites anger and irritation from judges.⁸⁶ A legal practitioner who posts semi-naked or fully nude content on social media will, naturally, upset other legal practitioners and attract condemnation from the public. If the NBA's request is granted, Ifunanya could be suspended. She could be allowed to return if she expresses regret and promises to change. She may be debarred if she shows no remorse.⁸⁷ This shows that education and intelligence alone do not qualify someone to be a legal practitioner. An uncompromising character is essential to becoming a legal practitioner. If the NBA finds that a

a legal practitioner has been My Life Long Dream: Kanayo O. Kanayo' Punch Newspapers 19th September 2020 <[Becoming a legal practitioner has been my lifelong dream –Kanayo O Kanayo - Punch Newspapers \(punchng.com\)](#)> 'Photos: Actor Kenneth Okonkwo, others Represent Peter Obi at Presidential Tribunal' (Tribune, 8 May 2023) <[PHOTOS: Actor Kenneth Okonkwo, others represent Peter Obi at presidential tribunal - Tribune Online \(tribuneonlineng.com\)](#)> accessed 5 September 2023.

⁸³ Folarin Falana who goes by the nickname "Falz the Bad Guy". See Daniel Anazia, 'Law has Helped my Musical Career: Falz' (The Guardian, 2nd January 2021) <[Law has helped my musical career – Falz | The Guardian Nigeria News - Nigeria and World News — Saturday Magazine — The Guardian Nigeria News – Nigeria and World News](#)> accessed 5 September 2023.

⁸⁴ *Agbi v. Ogbe* (2006) All F.W.L.R. (PT. 329) 941 at p. 973 paras. G-H S.C.

⁸⁵ R. Akinjide, 'Advocacy, Ethics and the Bar' in J. Olakanni & Co Ed. of *Legal Ethics: legal practitioners Handbook* (Law Lords Publication, 2007) 89 cited in Ibrahim Abdullahi, 'Ethics, Rules of Professional Conduct and Discipline of legal practitioners in Nigeria: An Overview' (2017) 4 (1) International Journal of Public Administration and Management Research (IJPAMR) 1-16, 10.

⁸⁶ Abdullahi (n 85) 10.

⁸⁷ See LPA S 11(1) (2).

legal practitioner's character or ethics no longer meets their standards, they have the right to sever ties with such a practitioner,⁸⁸ or at least ensure that the legal practitioner mends his ways.

Rule 1 of the RPC enjoins legal practitioners to uphold the rule of law, promote and advance the cause of justice, maintain high standards of professional conduct, and not engage in conduct unbecoming of a legal practitioner. Under Nigerian law, dealing in or trafficking marijuana⁸⁹ is a criminal offense.⁹⁰ The NBA is obligated to address any member who proudly promotes the use of marijuana online.⁹¹ Ifunanya's alleged publication of nude photos and videos and smoking of banned substances were unprofessional and inappropriate for a lawyer. It comes under the category of "conduct unbecoming of a legal practitioner." Her actions are unacceptable, regardless of her role. Her not practicing law is irrelevant. The LPDC can discipline and disallow a legal practitioner who fails to meet ethical standards and claims to be a member of the legal profession.⁹² Under the National Drug Law Enforcement Agency Act,⁹³ possessing a prohibited item can lead to a conviction, regardless of whether or not the alleged offender was found using it. Therefore, it is not necessary to prove that a legal practitioner was using the substance for the LPDC to reach a verdict. It would be enough if the legal practitioner was found with the item. Without a reasonable explanation, such as that he is a prosecuting attorney, any item found in his possession is an exhibit to be tendered as proof should the case be prosecuted. Studies show that the perception of the average Nigerian about persons who use marijuana and similar substances is not a positive one.⁹⁴ The use of substances like marijuana is not strictly a moral or ethical question. It is a legal one. Legal practitioners in Nigeria are held to a higher standard of morality than other citizens and should be seen as upholders of the law, rather than "breakers" of the law. Nigerians expect that

⁸⁸ Gbenga-Ogundare (n 80).

⁸⁹ Also known as Cannabis, Indian Hemp.

⁹⁰ See National Drug Law Enforcement Agency Act Cap N30 LFN 2004 S. 20, which specifies offences in relation to drug abuse and their penalties, thus:

"1. Any person who, without lawful authority (the proof of which shall lie on him) commits any of the following offences, that is to say:

a. Engages in the production, manufacture, extraction preparation, offering for sale, distribution, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transportation, importation or exportation of any narcotic drug or any psychotropic substance contrary to the provisions of the 1961 Convention and its Protocols, or the 1971 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic substances 1989.

b. Engages in the cultivation of opium, poppy, coca bush or cannabis plant for the purpose of the production of narcotic drugs contrary to the 1961 convention.

c. Has in his possession or engages or purchases any narcotic drug or psychotropic substance for the purpose of any of the activities enumerated in paragraphs (a) of this subsection.

2. The penalties for offences under subsection (1) of this section shall

a. In respect of an offence under paragraphs (a), (b), (d), (e), (f), and (h), be imprisonment for life

b. In respect of offences under paragraphs (c), (g) and (i) be imprisonment for a term not less than fifteen years and not exceeding 25 years".

⁹¹ Gbenga-Ogundare (n 80).

⁹² Ibid.

⁹³ National Drug Law Enforcement Agency Act (n 90).

⁹⁴ Abuchi, Bassey and Dauda (n.79).

legal practitioners should comport themselves properly in public. Legal practitioners are presumed to know the law. Thus, a legal practitioner who has undergone training at the Nigerian law school and has been called to the bar is presumed to know that being in possession of psychotropic drugs is prohibited and penalized under Nigerian law. Therefore, the fact that a legal practitioner, who is expected to uphold the law, is found to be breaching the same law they swore to uphold will not sit well with the public.

The legal profession is a conservative profession. From the outset, legal practitioners practiced law in the same way that their predecessors practiced it and passed on the same conventions to their successors. The term “legal ethics” refers to the “standards of professional conduct applicable to members of the legal profession.”⁹⁵ It is a code of conduct that members of the legal profession must follow in their practice. They are the result of the development of the legal profession itself.⁹⁶ It is these normative values that set the standards for the practice of law.⁹⁷ Legal ethics refers to the intersection between ethics and the practice of legal practitioners. Thus, the legal profession is traditionally conservative, with legal practitioners following established practices and passing them down through generations. Legal ethics refers to the code of conduct that the legal practitioner must adhere to in his/her practice.⁹⁸ They stem from the growth of the legal profession⁹⁹ and establish standards for practicing law. Legal ethics is a blend of ethics and legal practitioners' practice.¹⁰⁰

The American Approach to Discipline for Conduct not Involving the Practice of Law

A number of cases tried in the United States in which legal practitioners were found liable for misconduct, even though the alleged conduct was unrelated to the practice of law, are considered in this section. In *re Crossen*¹⁰¹ it was stated that the right to practice law is not one of the inherent rights of all citizens, but a privilege granted and maintained only to those who demonstrate exceptional aptitude for intellectual achievement and moral character. In *re Disciplinary Proceedings Against Johns*,¹⁰² the court dismissed disciplinary proceedings against a legal practitioner convicted of drunk driving that killed his brother. They ruled that the public's confidence in the bar will not be shaken by the firing because the legal practitioner has already

⁹⁵ Garner (n 7) 976.

⁹⁶ Mary Ann Glendon, William P. Alford and Maynard E. Pirsig, ‘Legal Ethics: Professional Responsibility and Moral Obligation’ <[Legal ethics | Professional Responsibility & Moral Obligations | Britannica](#)> accessed 23 July 2023.

⁹⁷ Mirko Bagaric and Penny Dimopoulos, “Legal Ethics Is (Just) Normal Ethics: Towards a Coherent System of Legal Ethics,” (2003) 3 (2) (QUTLJ) 3.

⁹⁸ Garner (n 7) 976.

⁹⁹ Mary Ann Glendon, William P. Alford and Maynard E. Pirsig, ‘Legal Ethics: Professional Responsibility and Moral Obligation’ <[Legal ethics | Professional Responsibility & Moral Obligations | Britannica](#)> accessed 23 July 2023.

¹⁰⁰ Bagaric and Penny Dimopoulos (n 97) 3.

¹⁰¹ 880 N.E.2d 352, 388 (Mass. 2008).

¹⁰² 847 N.W.2d 179 (Wash. 2014).

suffered the consequences of criminal proceedings, and the underlying case had nothing to do with his status as a legal practitioner.¹⁰³ *In re Csehy*,¹⁰⁴ the court rejected a two-year voluntary suspension proposed by an attorney who had pleaded not guilty to drug possession and use of a firearm during the commission of a crime. It was ruled that the suspension was not long enough to discourage other legal practitioners from committing similar crimes.

Legal practitioners may be disciplined for conduct that impairs their ability to practice, even if that conduct occurs outside the context of practicing law.¹⁰⁵ *In re Carpenter*,¹⁰⁶ the legal practitioner's dishonesty in creating an online account, posing as a local high school teacher, and posting messages indicating he had engaged in sexual acts with students, was held to have endangered the public interest in the legal practitioner's integrity and reliability. It demonstrated that the legal practitioner lacked the necessary characteristics to practice law. It was ordered that the legal practitioner be publicly reprimanded.¹⁰⁷

O'Rourke stated,¹⁰⁸ while discussing the discipline imposed on legal practitioners based on their private conduct, warns that attorneys should not artificially distinguish between professional and personal conduct to avoid disciplinary action. *In re Treffinger*,¹⁰⁹ the court issued an order for temporary suspension and referred for formal disciplinary action against an attorney who pleaded guilty to possession of heroin. In *In re Cohen*,¹¹⁰ an attorney who pleaded guilty to possessing explicit child pornography on his computer was suspended indefinitely. The number of legal practitioners affected by drug addiction may be greater than imagined. This cannot be avoided, though. By addressing the issue at its root and promoting awareness, the dangers of substance abuse can be avoided. Legal practitioners can be protected, and the financial burdens caused by impaired professionals can also be avoided.¹¹¹

¹⁰³ Ordinarily, the concept of double jeopardy shouldn't apply where the alleged misconduct is punishable under a different law even where a legal practitioner has been successfully tried and convicted or acquitted, it does not constitute a bar to the bringing of disciplinary proceedings against him. Perhaps the major factor weighing on the mind of the court, in this case, is that the deceased victim is the brother of the legal practitioner involved. Being responsible for the death of his brother is a feeling of guilt that the legal practitioner would have to live with for the rest of his life.

¹⁰⁴ 764 S.E.2d 540 (Ga. 2014).

¹⁰⁵ See e.g., *Romero-Barcelo v. Acevedo-Vila*, 275 F. Supp. 2d 177 (D.P.R. 2003).

¹⁰⁶ 95 P.3d 203, 208 (Or. 2004).

¹⁰⁷ 95 P.3d 203, 208 (Or. 2004).

¹⁰⁸ Patrick O'Rourke, "Discipline Against legal practitioners for Conduct Outside the Practice of Law," (2003) Colorado Law 75.

¹⁰⁹ 393 P.3d 1084 (Nev. 2017).

¹¹⁰ 100 A.3d 529 (N.J. 2014).

¹¹¹ Lynne Pregoner, Substance Abuse within the Legal Profession: A Symptom of a Greater Malaise (1993) 7 Notre Dame Journal of Ethics and Public Policy 305-329, 315

<<http://scholarship.law.nd.edu/ndjlepp/vol7/iss1/9>> accessed 23 July 2023.

Conclusion

Lawyers must always exemplify good moral character to be deserving of public trust. Legal practitioners in non-practicing roles, such as business executives, civil servants, or law professors, remain connected to the legal profession and are still subject to the disciplinary authority of the regulators of the profession. They are expected to uphold the ethical standards of the profession, regardless of their occupation. Not all misconduct by a legal practitioner, outside of practicing law, leads to disciplinary action. The court or disciplinary body will only consider the legal practitioner's fitness to practice when deciding against imposing sanctions. Legal practitioners will be disciplined for misconduct outside the scope of legal practice, only if it is dishonest or harmful to the profession. With the advent of the internet and social media, by necessary implication, the conduct of legal practitioners, which hitherto could have been swept under the rug, would no longer attract such leniency. The wider the publicity, with news going “viral” within a space of a few hours, bad behavior by legal practitioners would gain traction. This can cause a dent in the image of the legal profession before the regulators are able to address it. Even though the LPDC has limited jurisdiction to handle disciplinary matters involving legal practitioners, it extends its activities to misconduct not related to the practice of law. The ones committed on social media are included.

Thus, it is imperative that the NBA monitor the activities of its members, particularly on social media, and not wait for formal complaints from the public before taking steps to subject legal practitioners, who bring the profession to disrepute, to disciplinary measures by the LPDC.