

IN THE LEGAL PRACTITIONERS DISCIPLINARY COMMITTEE (BODY OF BENCHERS)

HOLDEN AT ABUJA TODAY TUESDAY 31ST DAY OF AUGUST, 2021

BEFORE:

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| 1. | EMMANUEL C. UKALA, SAN | CHAIRMAN |
| 2. | HON. JUSTICE DR. HUSSEIN MUKHTAR, PJCA | MEMBER |
| 3. | HON. JUSTICE RABI UMAR, CJ BAUCHI | MEMBER |
| 4. | EBENEZER OBEYA, ESQ | MEMBER |
| 5. | BOMA AYOMIDE ALABI, OON, SAN | MEMBER |
| 6. | DR. MARY OBIANUJU NWOGU, AG ANAMBRA | MEMBER |

BB/ LPDC/317/2020

FABIAN AROH AJAH

V.

FRANCIS CHIDI NGWOKE ESQ &

PAUL OGBONNA AROCHUKWU ESQ

2nd Respondent present.

Nkemakolam Okoro Esq with Innocent Okorie Omoko Esq for the Applicant.

O. D. Onu Esq for the Applicant in protest.

Friday Iburu Esq appears for the 1st Respondent.

C. K. Orji Esq with Dr. Uchenna Orji for the 2nd Respondent.

Orji Esq: On the last adjourned date there was an attempt to arrest the 2nd Respondent in respect of matters pertaining to this Application. The attempt to arrest him was made outside the gate of the court premises where this Committee sits.

Okoro Esq: I confirm that I was briefed to write a petition against the 1st and 2nd Respondent. The petition was written over six months to the IG Monitoring Unit but upon the disbandment of that unit the matter was transferred to the Force



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C.I.D of the police. I am aware that while the matter was pending, the Respondents did not honour the invitation by the police. Some facts relating to this matter are part of the petition.

Committee: Mr. Okoro's attention having been drawn to the complaint arising from the petition he wrote, he is warned to ensure that his petition does not in any way pose as impediment to the hearing of this application or constitute any form of harassment of the Respondents while this application is pending. Any of the Respondents or parties is at liberty to present an application against Mr. Okoro before this Committee should he persist in the conduct which is the subject matter of the complaint just drawn to the attention of the Committee.

Onu Esq: Mr. Fabian Aroh Ajah is present. He is here to say whether or not he instructed the filing of this Application.

Committee: Let Mr. Ajah come forward to explain himself.

Okoro Esq: I confirm that from the pictures I have seen the person brought forward is Mr. Ajah.

Interpreter – Augustine Ajah affirms.

**CERTIFIED TRUE
COPY**

Mr. Fabian Aroh Ajah speaks through the Interpreter as follows: my name is Aroh Fabian Ajah. I did not file the present Application against the two lawyers before the Committee as Respondents, namely Francis Chidi Ngwoke Esq and Paul Ogbonna Arochukwu Esq and I did not ask any person to do so. I did not instruct Nkemakolam Okoro Esq to file this Application for me. I did not also instruct Innocent Omoko Esq to file a case for me. My lawyer is Okeke Decency Onu Esq.

Okoro Esq: I have never met the Applicant but I was briefed by Mr. Omoko. In view of the appearance of the Applicant in person and his assertion that I am not his lawyer, I cannot insist that I am his lawyer. In the circumstance, I apply to withdraw my appearance.

Omoko Esq: I confirm that I was the one who briefed Mr. Okoro. In view of what the Applicant has said, I do not insist that I represent him. In the circumstance, I apply to withdraw my appearance as well.

Committee: The Committee has listened to the person in whose name the Application was presented, that is Fabian Aroh Ajah and there is no doubt that he did not instruct Innocent Omoko Esq or Nkemakolam Okoro Esq to file or present the Originating Application against the Respondents in this matter. He stated so

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clearly before us. This Application has therefore been presented without authority. This is a disturbing and embarrassing development in legal practice and it is strongly condemned. A lawyer ought to be clear about his instructions before proceeding to act. It is very wrong for a counsel to purport to act for a client where he has no written instructions or firm instructions that he can rely on, especially where the client did not brief him in person. It is also very unfortunate that not only was this Application presented without authority, an aspect of the complaint in this unauthorized Application has been made a subject of a petition to the police authorities as confirmed by Mr. Okoro who acknowledged that he has written a petition to the police which is now being executed against the Respondents. The Committee has decided to warn Mr. Omoko and Mr. Okoro very sternly. It is hoped that Mr. Okoro will take steps to contain any further embarrassment being exerted by the police authorities in respect of his petition. Mr. Okoro and Mr. Omoko are ordered to write and deliver to the Applicant, that is Fabian Aroh Ajah and the Respondents appropriate letters of apology in respect of the embarrassment caused them by reason of the filing of this application without lawful authority. They are to undertake in the said letters of apology not to do any other act to embarrass or harass them as a result of the subject matter of the complaint or any other related matter. The letters of apology are also to be filed in the registry of this Committee within 7 days from today. This matter is adjourned to 8/11/2021 for report on the compliance with this order.

Signed
Chairman
31/8/2021



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