

PROFESSIONAL DISCIPLINE OF LEGAL PRACTITIONERS AND THE APPELLATE JURISDICTION OF THE SUPREME COURT *

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INTRODUCTION:

The need for professional discipline of Legal Practitioners cannot be overemphasized if the profession is to maintain its age long reputation especially in the administration of justice. A Legal Practitioner should therefore be disciplined. He must also be a person of integrity and trustworthy. In the case of RE: ABUAH¹ Ademola, C.J.F. stated as follows:

"Legal Practitioners are officers of the Court. It is our bouden duty to see that officers of the Court are men of integrity who should be trusted not only by the Court but also by the public for whom they act".

Law as a profession has been described as a strategic profession that must not be allowed to go off the rail. It is the mother of all professions².

A Legal Practitioner can be disciplined for "professional misconduct"³. There are three separate bodies charged with the discipline of Legal Practitioners. They are the body of Benchers through its Committee known as the Legal Practitioners Disciplinary Committee, the Supreme Court of Nigeria and the Chief Justice of Nigeria⁴.

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1 (1962) 1 All NLR 279 at 285

2 *Belgore, J.S.C. in Charles Okike v. L.P.D.C. (2005) 3-4 S.C. 49 at 68*

3 Professional misconduct is not defined in the legal practitioners Act but it would seem to encompass a conduct amounting to infamous conduct in any professional respect; conviction for an offence incompatible with the status of a legal practitioner or being fraudulently enrolled. *Blacks Law Dictionary 6th Edition, Page 999* defines "misconduct" as a transgression of some established and definite rule of action, a forbidden act, a dereliction from duty, unlawful behaviour Improper or wrong behaviour. The term "misconduct" when applied to acts of an attorney, implies dishonest act or attempt to persuade court or jury by use of deceptive or reprehensible methods. *Oxford Advanced Learners Dictionary at page 749* defines "misconduct" as unacceptable behaviour, especially by a professional person (professional misconduct).

The Legal Practitioners Act states four categories of professional misconduct⁵ for which a Legal Practitioner may be disciplined:

- (a) Where the Legal Practitioner is guilty of infamous conduct in any professional respect⁶.
- (b) Where the Legal Practitioner is convicted of an offence incompatible with the status of a Legal Practitioner⁷.
- (c) Where a person has been fraudulently enrolled⁷.
- (d) Conduct incompatible with the status of a Legal Practitioner, although not amounting to infamous conduct⁸.

The purpose of this paper is to examine the disciplinary powers and procedure of the Legal Practitioners Disciplinary Committee and the Appellate jurisdiction of the Supreme Court of Nigeria over directions (decisions) of the Committee⁹.

The present situation whereby appeals go directly from the Legal Practitioners Disciplinary Committee to the Supreme Court under Section 12(7) of the Legal Practitioners Act (as amended) will be examined in view of Section 233(1) of the Constitution of the Federal Republic of Nigeria, 1999 especially its constitutionality. The effect of the recent Supreme Court decision in *Charles Okike v. The Legal Practitioners Disciplinary Committee*¹⁰ will also be discussed.

It will be shown that the interpretation of Section 233(1) of the Constitution in relation to Section 12(7) of the Act is erroneous and may have the effect of allowing the National Assembly to enact legislation which circumvents the Court of Appeal in the hierarchy of Courts through

5 Section 12(1) (a) *Legal Practitioners Act. See the case of Allison v. General Council of Medical Education and Registration (1894) 1 Q.B. on what constitute infamous conduct "where a medical man in the pursuit of his profession has done something with regard to it which would be reasonably regarded as disgraceful or dishonourable by his professional brethren of good repute and competency".*

6 Section 12(1)(b) *Legal Practitioners Act*

7 Section 12(1)(c) *Legal Practitioners Act*

8 Section 12(2) *Legal Practitioners Act*

9 On the procedure and discipline of Legal Practitioners in Nigeria see: *Hambali, Y.D.U.: "Professional Ethics and Discipline at the Bar" in Legal Practice Skills and Ethics in Nigeria K.N. Nwosu, (ED) 2004. Lagos, Page 193; Nwauche, E.S.: Some issues in the Discipline of Legal Practitioners in Nigeria" (2000) Volume 4, Nigeria Law and Practice Journal (No. 2) Page 58. In this paper we are not concerned with the original disciplinary jurisdiction of the Supreme Court or that of the Chief Justice of Nigeria under Sections 13(1) and 13(2) of the Legal Practitioners Act respectively. On the original Disciplinary Jurisdiction of the Supreme Court of Nigeria, See Akintayo, J.O.A.: "A Critical Examination of the original Disciplinary Jurisdiction of the Supreme Court of Nigeria, (1998) Volume 2, Nigerian Law and Practice Journal (No.2) page 72.*

10 SC. 58/2004 delivered on 1/4/2005 by a full Court of the Supreme Court. Reported in (2005) 3-4 S.C. 49.

which appeals will lie to the Supreme Court especially in cases of Professional Associations exercising disciplinary powers over their members¹¹.

DISCIPLINARY POWERS OF THE LEGAL PRACTITIONERS DISCIPLINARY COMMITTEE

By Section 11 of the Legal Practitioners Act, there shall be a committee of the Body of Benchers to be known as the Legal Practitioners Disciplinary Committee which shall be charged with the duty of considering and determining any case where it is alleged that a person who is a member of the Legal profession has misbehaved in his capacity as such and should for any reason be the subject of proceedings under the Act. This is further to Section 10(1)(b) of the Act which makes the Body of Benchers responsible for "the exercise of disciplinary jurisdiction over members of the legal profession and over students seeking to become Legal Practitioners".

The Legal Practitioners Disciplinary Committee consists of a Chairman who shall not be either the Chief Justice of Nigeria or a justice of the Supreme Court, two justices of the Court of Appeal one of whom shall be the President of the Court of Appeal; two Chief Judges; two Attorneys-General who shall be either the Attorney General of the Federation and the Attorney General of a State or two State Attorneys-General and four members of the Nigerian Bar Association who are not connected with either the investigation of a complaint or the decision by the Association to present a complaint against a Legal Practitioner for determination by the Disciplinary Committee¹².

The Legal Practitioners (Disciplinary Committee) Rules as amended in 1994 (hereinafter referred to as the Rules) in Rule 3 provides that a

- 11 Examples of such professional bodies are the Medical and Dental Practitioners Council, established under the Medical and Dental Practitioners Act; the Architects Registration Council; the Survey Registration Council of Nigeria etc.
- 12 Section 11(2) Legal Practitioners Act. This amendment in the Legal Practitioners (Amendment) Act No. 21 of 1994 was a result of the decision of the Supreme Court in *L.P.D.C. v. Fawehinmi* (1985) 2 N.W.L.R. (Pt. 7) 300 where the composition of the Committee which consists of: (a) The Attorney-General of the Federation, who shall be Chairman;
- (b) The Attorneys-General of the States in the Federation;
- (c) Twelve Legal Practitioners of not less than ten years standing appointed by the Benchers on the nomination of the Association. was criticised as they would have effect of sitting over a case in which the Attorney-General (Federation in that case) was both the Complainant and judge. It is noteworthy that Complaint under the present dispensation must emanate from the Nigeria Bar Association (N. B. A.) after due investigation by virtue of Rule 2A (1) of the Legal Practitioners (Disciplinary Committee) Rules 1994. The effect of this is that the Legal Practitioners Disciplinary Committee which is a committee of the body of Benchers cannot be Complainant and Judge. In fact, by Section 11(2) (e) of Legal Practitioner Act, if a member of the Association is connected with the investigation, he will be disqualified.

complaint by any person against a Legal Practitioner shall be forwarded in writing by the Complainant¹³ or the person aggrieved to any of the following persons: the Chief Justice of Nigeria; the Attorney-General of the Federation; the President of the Court of Appeal or any Presiding Justice of the Court of Appeal; the Chief Judge of the High Court of a State or the Chief Judge of the Federal Capital Territory; the Attorney-General of a State; the Chairman, Body of Benchers, and the Chairman of the Nigerian Bar Association or the Chairman of a State Branch of the Nigerian Bar Association.

Where any of these persons receive a complaint, it shall be forwarded to the Nigerian Bar Association which shall cause the complaint to be investigated. By this provision, the Nigerian Bar Association is vested with investigative powers to determine whether a prima facie case has been made out.

By Rule 4 of the Rules, if a prima facie case is shown against a Legal Practitioner, the Nigerian Bar Association shall forward a report of such case to the Secretary of the Body of Benchers together with all the documents considered by the Association and a copy of the charges on which the Association is of the opinion that a prima facie case is shown.

The Disciplinary Committee shall proceed to hear the case against the Legal Practitioner based on the charges as framed on a date fixed for the hearing which notice thereof must be served on all parties¹⁴. The notice shall be at least 30(thirty) days between the date of service of the notice and the day fixed for hearing¹⁵.

Where a party has been duly served with the notice of hearing and fails to appear at the hearing, the Disciplinary Committee may upon proof of service on such a party proceed to hear and determine the case in his absence¹⁶.

¹³ Rule 2 defines a "Complainant" as:

- (a) Where an allegation has been referred to the Nigerian Bar Association for investigation at the instance of a private person, that person and
(b) In any other case the Attorney-General of the Federation.
It would seem that there are three categories of person who can be Complainant: a private person, the Attorney-General of the Federation. Or "a person aggrieved" (under Rule 3)

There is no definition of a person aggrieved in the Rules. But it would include a person affected by the act of the Legal Practitioner for instance if a Legal Practitioner is given money to purchase property and he converts it or passes a bad title, the party that complains to the Nigerian Bar Association will qualify as a complaint under Rule 2 of the Rules but the party that has bad title will also qualify as an aggrieved person to be entitled to submit a complaint under Rule 3.

¹⁴ Rule 7. A sample of the notice of hearing by the Disciplinary Committee is stated in the schedule to the Rules.

¹⁵ Rule 6

¹⁶ Rule 8

This is without prejudice to the right of that party who failed to appear at the hearing to within one calendar month from the pronouncement of the findings and directions to apply to the Disciplinary Committee for a rehearing. If the Committee is satisfied that it is just that the case should be re-heard, it may grant the application upon such terms as to costs or otherwise as it deems fit¹⁷.

The Nigerian Bar Association shall have a Legal Practitioner to present the case before the Committee¹⁸. The proceedings of the Committee shall be held in private but its findings and directions shall be pronounced in public¹⁹. Any direction given by the Disciplinary Committee shall be published in the Federal Gazette as soon as such direction takes effect²⁰.

If after the hearing, the Disciplinary Committee adjudges that the allegations of infamous conduct in a professional respect have not been proved; the Committee shall record a finding to that effect²¹.

However, if after the hearing, the Disciplinary Committee finds that the allegation of infamous conduct in a professional respect have not been proved, the Disciplinary Committee may, if it thinks fit, give a direction

- (a) Ordering the Registrar to strike the Legal Practitioner's name off the Roll; or
- (b) Suspending that 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 directive; or
- (c) Admonishing the Legal Practitioner²² and any such direction may, where appropriate, include provision requiring the refund of moneys paid or the hand over of documents, or any other thing as the circumstances of the case may require²³;
- (d) If the Committee finds proved, misconduct not amounting to an infamous conduct in a professional capacity under Section 12(2), make such order as the circumstances may require but not inconsistent with the Act²⁴.

¹⁷ Rule 9

¹⁸ Rule 13

¹⁹ Rule 19

²⁰ Rule 12(7)

²¹ Rule 15

²² Section 12(1) of the Act and Rule 16.

In the case of Charles Okike v. L.P.D.C., the Committee apart from directing that the name of the Legal Practitioner be struck off the roll, also ordered him to refund the sum of \$123,000 (One Hundred & Twenty Three Thousand U.S. Dollars) to the petitioner. This decision was affirmed by the Supreme Court in the final decision delivered on 15/7/2005 and reported in (2005) 7 S.C. (Pr. 111) 75.

²⁴ Rule 17. That direction in paragraph 16 relating to striking off the Legal Practitioner's name off the roll will be in applicable in this case by virtue of Section 12(2) of the Act.

By Section 12 (6) of the Act where the Disciplinary Committee gives a direction under subsection (1) or (2) of the Section, the Disciplinary Committee shall cause notice of the direction to be served on the person to whom it relates and forward a report of the findings to the Body of Benchers.

APPELLATE JURISDICTION OF THE SUPREME COURT

Under Section 12(7) of the Act, an aggrieved person from a direction of the Disciplinary Committee has a right of appeal to the Supreme Court within 28 days from the date of service on him of the notice of the direction.

Section 12 (7) of the Act provides:

"The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of notice of the direction, appeal against the direction to the Supreme Court established under Section 12 of this Act; and the Disciplinary Committee may appear as Respondent to the appeal, for the purpose of enabling directions to be given as to costs of the appeal and of proceedings before the Disciplinary Committee, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal".

The effect of Section 12(7) of the Act is that:

- (1) The parties aggrieved by the decision has the right to appeal directly from the decision of the Disciplinary Committee to the Supreme Court.
- (2) There is no appeal to the Court of Appeal.

This provision is prima facie inconsistent with Section 233 of the Constitution of the Federal Republic of Nigeria, 1999 which provides:

"The Supreme Court shall have jurisdiction to the exclusion of any other Court of Law in Nigeria to hear and determine appeals from the Court of Appeal".

and to that extent null and void by virtue of Section 1(3) of the Constitution. It is humbly submitted.

The provisions of Section 12(7) of the Legal Practitioner Act and Section 233(1) of the 1999 Constitution came up for consideration in the recent Supreme Court case of Charles Okike v. Legal Practitioners Disciplinary Committee²⁵.

²⁵ *Supra*

FACTS: The Appellant, a Legal Practitioner was charged before the Legal Practitioners Disciplinary Committee on allegation of professional misconduct made against him by one of his clients for dishonestly holding onto the clients \$123,000 (One Hundred and Twenty Three Thousand Dollars) with the intention of not refunding the money. Although Appellant was duly served all processes, he refused to attend the proceedings. The Committee after hearing the matter gave the directions that the Appellant's name be struck off the roll of Legal Practitioners and he should refund the sum of \$123,000 to the Complainant.

The Appellant appealed against the directions to the Supreme Court. When the appeal came up for hearing the Supreme Court Suo Motu raised the Constitutional point: Whether in the light of the provisions of Section 233 of the Constitution of the Federal Republic of Nigeria, 1999, the Supreme Court had the jurisdiction to entertain the appeal, given the fact that the said Section 233 restricts the appellate jurisdiction of the Court to hearing appeals from the Court of Appeal only.

The Supreme Court, by a full Court, held as follows:

- (1) Although Section 233(2) of the 1999 Constitution enables the National Assembly to increase the original jurisdiction of the Supreme Court, Section 233(1) does not provide for the National Assembly to increase the jurisdiction of the Supreme Court to hear appeal from the Court of Appeal²⁶
- (2) The combined effect of Section 4 (2), Items 49 & 67, 68 Exclusive Legislative List in Part I of the Second Schedule and paragraphs 2 (a) and (b) of Part III thereof is that the National Assembly has the power to legislate in respect of legal professions. Within such power, the National Assembly can establish for the legal profession a Disciplinary Committee such as the Disciplinary Committee. It is also within its power to give appellate jurisdiction to the Supreme Court to hear appeals from the Disciplinary Committee.
- (3) The Legal Practitioners Act Cap. 207 as amended, qualifies to be an "existing law" within the meaning of Section 315 of the 1999 Constitution. Therefore, the provisions of Section 12 (7) thereof are constitutional and valid.
- (4) By virtue of the provisions of Section 315 (1) of the 1999 Constitution, the Supreme Court is deemed to have been charged with the function of hearing appeals from the Disciplinary Committee under the 1999 Constitution. Consequently, Section 12 (7) is constitutional and valid.

²⁶ See the Supreme Court (Additional original Jurisdiction) Act No. 3, 2002 which gives the Supreme Court original jurisdiction in dispute involving the National Assembly and the Federal Government.

- (5) Historically, the Federal Supreme Court and the present Supreme Court have exercised jurisdiction in matters pertaining to the Conduct of Legal Practitioners. Reference was made to Sections 20, 31 to 37 of the Legal Practitioners Act Cap. 101 Laws of the Federation 1958; Sections 6(3) and 7 (1), (6) of the Legal Practitioners Act, 1962.
- (6) There is no express provision in the 1999 Constitution which ousted the jurisdiction of the Supreme Court. In the absence of any express provision in the Constitution which ousts the jurisdiction of the Court, the Court would be reluctant to hold that the jurisdiction has been ousted.

It is my contention that the words of Section 233(1) of 1999 Constitution are clear and unambiguous and should therefore be given their ordinary meaning, unless this would lead to absurdity or be in conflict with some other provisions of the Constitution²⁷. If therefore the Section is given its literary interpretation, no other Court other than the Supreme Court can hear appeals from the Court of Appeal. The effect of this provision is that no appeal can for instance go to the Judicial Committee of the Privy Council or the ECOWAS Court of Justice from any decision of the Court of Appeal in Nigeria. If such appeals are filed, it will be unconstitutional.

Secondly, the Supreme Court has no jurisdiction to hear appeals straight from the High Court. There are numerous decisions of the Supreme Court on this point²⁸.

If the Supreme Court cannot entertain appeals directly from the High Court, it cannot do so from an "inferior" body as the L.P.D.C. This is particularly important because jurisdiction is statutory; so also is a right of Appeal²⁹.

I submit that recourse to Section 315 of the 1999 Constitution will not save the provisions of Section 12(7) of the Act because Section 12(7) is inconsistent with Section 233(1) of the 1999 Constitution. It can only be modified as an existing law to confer appellate jurisdiction on the Court of Appeal.

In his judgment, Pats-Acholonu, J.S.C. stated at page 89 as follows:

"The point I am making is that the term "appeal" as mentioned in Section 12 of the Legal

²⁷ See: *Kalu v. State* (1998) 13 N.W.L.R. (Pt. 583) 531 at 586; *Ojokolobo v. Alamu* (1987) 3 N.W.L.R. (Pt. 61) 377

²⁸ See: *Adio v. State* (1968) 4 S.C. 194 at 204; *Kalu v. Odili* (1992) 5 N.W.L.R. (Pt. 240) 130; *Adili v. State* (1989) 2 N.W.L.R. (Pt. 103) 305 at 315

²⁹ See *Ugwu v AG East Central State* (1975) 6 S.C. 13 *Ude v Ikemefuna* (1968) All NLR (Reprint) 253 or 257 *Origbiden v Balogun* (1975) 4 S.C. 85 *Akroboto v Normeshele* 14 W.A.C.A. 290

Practitioners Act of 1972 as amended in my view means no more than reference to the Supreme Court for endorsement or otherwise. That is the position in this case under consideration (Emphasis mine).

He further said: "I believe that the word appeal in Section 12 of the Legal Practitioners Act as amended ought to be construed as meaning or denoting a final re-consideration with a view to either quashing or agreeing to the punishment suggested or advised to be imposed. It does not appear to be an appeal in the strictest sense. In other words the direction which is the word used in Section 12 is not supposed to be a final verdict. The final verdict is that of the Supreme Court. It therefore can be said that when the Supreme Court sits to review the direction of the Committee it is to give a final endorsement or otherwise. The direction of the Committee is not meant to be final that would nail the position of the offender". I submit that this dictum emphasizes the difficulty in the reasoning of the learned Justices. An appeal is an appeal. It questions the decision of a lower Court or Tribunal and seeks its reversal (and affirmation if a cross appeal). It is not for cosmetic purpose³⁰.

The dictum of Belgore, J.S.C. is also interesting and he said:

"Thus it is clear that the Committee is a special body. I will not call it a Tribunal, to expeditiously deal with issues of discipline among Legal Practitioners. All through our history from colonial period to now the legal profession is a strategic profession that must not be allowed to go off the rail. Law is the mother of all professions; it is a living and constantly producing mother and she must not be allowed to be sick. Sickness in legal profession is the act of indiscipline whether due to outrightly unbecoming act or corruption or fraud. Every situation, just like every person, is under the law and if the law is sick then the rot will quickly take over our society. It is for this reason that legal practitioners must be able to clear indiscipline within their rank with dispatch and effectiveness. The Legal Practitioners Disciplinary Committee is a quasi tribunal to look into aspects of discipline by investigating in a fair hearing manner and give its direction. The

30 *Ibid* pages 89-90; on meaning of appeal: Black's Law Dictionary 6th Edition on page 96 defines an appeal as a complaint to a higher tribunal of an error or injustice committed by a lower Tribunal in which its error or injustice is brought to be corrected or reversed

appeal against that direction is to Supreme Court. It is more of highest administrative procedure than ordinary tribunal. Section 233(1) of the Constitution of 1999 has not ousted Supreme Court's jurisdiction in this"³¹.

I submit that the above dicta of the learned Justices is more of sentiment without due regard to the ordinary meaning of Section 233(1) of the 1999 Constitution.

Although Section 233 (1) does not state that the Supreme Court shall hear appeals from the Court of Appeal only, the doctrine of stare decisis and hierarchy of Courts demand, that appeals go through the Court of Appeal from the lower Court or Tribunals³². For instance, under the Armed Forces Act and the 1999 Constitution, appeals from decisions of the Court Martial go to the Court of Appeal and through to the Supreme Court³³. Even if the Legal Practitioners' Disciplinary Committee may be equated to a High Court, appeals still need to go through the court of Appeal.

One major fear is that expressed by Pats-Acholonu, J.S.C. as follows:

"I have a feeling that if Section 233(1) is given a narrow and constricted interpretation rather than expounding the horizon and amplitude of its provisions, then it may turn out that the Appellant has no readily available remedy except to institute an action in the High Court from which proceedings may finally reach this Court. I do not think that this is the contemplation of the Legislature that a legal complainant should be made to go through the gamut of a normal process a situation that may last for many years at which time the complainant might have conceivably suffered irremediably. Taking into consideration what Section 12 of the Legal Practitioners Act intends to achieve by providing what I may describe as an easy ride to the Apex Court, and as the contemplation must have been that time is of essence in such a matter, I am of the view that we should read Items 49 and 68 along side Section 12. That is to say, that the nature of

31 *ibid* at Pages 68-69

32 The only exception are where the Supreme Court exercise original jurisdiction under Section 232(1) of 1999 Constitution in disputes between a Federation and a State or between States or the National Assembly and Federal Government by virtue of the Supreme Court (Additional Original Jurisdiction) Act No. 3 of 2002.

33 Section 240 of the 1999 Constitution

the Legal Profession because of its uniqueness, its peerless or matchless characteristics, access to the Supreme Court by way of appeal or to use a more appropriate term by way of review has been made to traduce the normal conventional course of proceedings, for a resort to a critical judicial re-consideration of a direction. By this, it means that while the Supreme Court is the only Court that can hear an appeal from the Court of Appeal, it may be said that the door is not entirely closed for it to have been conferred with jurisdiction to review a direction from the Legal Practitioners Disciplinary Committee³⁴.

Another major set back from this position is in relation to other professional associations. There is no provision in any statute setting up a professional association which allows a direct appeal to the Supreme Court. It will therefore smack of partiality to confer and construe a similar provision under the Legal Practitioner's Act as conferring appellate jurisdiction in the Supreme Court.

A consideration of the relevant position in statutes of other professions will be helpful.

In Section 26(1)(c) of the Advertising Practitioners (Registration Etc) Act³⁵ appeals from the disciplinary Committee lie to the Court of Appeal within 28 days of the decision.

Under the Architects (Registration, etc) Act³⁶, an Architect Disciplinary Tribunal is set up in Section 12. The direction of the tribunal is subject to appeal to the Court of Appeal within 28 days³⁷. Builders (Registration etc) Act³⁸, Dental Technologist (Registration etc) Act³⁹, Engineers Registration etc Act⁴⁰, Estate Surveyors and Valuers (Registration etc) Act⁴¹, Institute of Chartered Accountants Act⁴², Medical and Dental

34 *Ibid* at pages 83 - 84.

35 Cap. 7 Laws of the Federation of Nigeria, 1990

36 Cap. 20 Laws of the Federation of Nigeria, 1990

37 Section 13 (5) *ibid*;

38 Cap. 40 : By Section 17(5) appeal lie to the Federal High Court within 28 days of direction

39 Cap. 96 Laws of the Federation of Nigeria, 1990

40 Cap. 110 Laws of the Federation of Nigeria, 1990

41 Cap. 111 Laws of the Federation of Nigeria, 1990

42 Cap. 185 pursuant to section 12 (5) appeals lie to the Court of Appeal from the direction of the disciplinary tribunal within 28 days.

Practitioners Act⁴³, Medical Rehabilitation Therapist (Registration etc) Act⁴⁴, Optometrist and dispensing opticians (Registration etc) Act⁴⁵, Nursing and Midwifery (Registration etc) Act⁴⁶, Pharmacist Act⁴⁷, Radiographers Registration etc Act⁴⁸, Surveyors Registration Council of Nigeria Act⁴⁹, Veterinary Surgeons Act⁵⁰ all provide for right of appeal from their disciplinary tribunal or committee to the Federal High Court, State High Court or Court of Appeal.

The purpose of the above is to show that all registered professional associations have a right of appeal to the High Court, the Court of Appeal not the Supreme Court. If the sentiments of *Belgore, J.S.C.* is to be taken within context, it is submitted that the medical profession is also as old as the legal profession.

If the legal profession enjoys the privilege of direct appeal to the Supreme Court, the medical profession ought to enjoy the same. Justice must not be seen to be based on sentiments.

CONCLUSION

Appeal from decisions of the Legal Practitioners Disciplinary Committee should not go direct to the Supreme Court if only for the purpose of having a second opinion of the learned Justices of the Supreme Court. It is important that appeals from the Legal Practitioners Disciplinary Committee should go through the Court of Appeal before the Supreme Court. Section 12(7) of the Legal Practitioners Act in so far as it confers a direct right of appeal from the Legal Practitioners Disciplinary Committee to the Supreme Court is unconstitutional. The impression must not be created that some professions are more important than others. There should be parity of treatment.

43 Cap. 221 Section 16(6), appeal to Court of Appeal, see: *M.D.P.D.T v. OKONKWO* (1999) 9 N.W.L.R. (Pt. 617) 1. In this case, appeal from the disciplinary tribunal went to the Court of Appeal. The decision of the Supreme Court affirming this decision is reported in (2001) 7 NWLR (Pt. 711) 206 (S.C)

44 Cap. 222 Section 25 (1)

45 Cap. 340 Section 27 (1) appeal to the Federal High Court

46 Cap. 332 Section 18 (4) Appeal lie to the High Court

47 Cap. 357 Section 11 (5) Appeal lie to the Court of Appeal

48 Cap. 356

49 Cap. 425 Section 17 (6) Appeal lie to the Federal High Court

50 Cap. 464