

IMPERSONATION OF A LEGAL PRACTITIONER IN NIGERIA: IS THE LAW ADEQUATE?

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Abstract

Impersonation is one of the greatest challenges bedevilling the legal profession in Nigeria. In recent times, some persons were arrested, tried, convicted and punished either by sentence to certain terms of imprisonment or an option of a fine for the offence of impersonation of legal practitioner. The ugly trend is on the increase rapidly in spite of the many efforts aimed at containing it. The conviction and the attendant penalty ordinarily supposed to serve as a deterrent, but the reverse is the case in Nigeria. This article aimed at examining the growing trend of impersonation of legal practitioners and the possible reasons behind it in Nigeria. The paper adopted and employed doctrinal research methodology to collate data. It was found that one of the major reasons for the rapid increase in the impersonation of legal practitioners is the inadequacy of the law in this regard, particularly with respect to punishment. For instance, by virtue of section 22 (1) of the Legal Practitioner Act, the maximum term of imprisonment that may be imposed on a person found guilty of impersonation is two years or a fine of two hundred naira. It is against this backdrop that this paper recommended that the Legal Practitioner Act should be amended to provide stricter and tougher

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sanctions like 10 years minimum terms of imprisonment, fine of five million naira among others. This will serve as a deterrent and reduce to the barest minimum the incidence of impersonation of legal practitioners in Nigeria.

Keywords: Impersonation, Legal Practitioner, Law

1. Introduction

Impersonation of legal practitioners, no doubt is an offence under the Legal Practitioners Act.¹ A lot of persons engaging in such act have been arrested, arraigned and prosecuted in court. Some of them have been convicted and sentenced accordingly. Nevertheless, the ugly trend has been surging by leaps and bounds. One of the major factors responsible for the exponential increase in cases of impersonation of legal practitioner in Nigeria is the inadequacy of the law. The punishment provisions are grossly inadequate, and therefore cannot curb or contain the ugly trend of impersonation of legal practitioners in Nigeria. People with inveterate tendency to impersonate cannot be deterred by a paltry penalty of the maximum of two years imprisonment or fine of two hundred naira as provided under the Legal Practitioners Act. Against this backdrop, it is very necessary to overhaul the law in this regard with a view to contain the incidence of impersonation of legal practitioners in Nigeria. This paper is divided into six segments, to wit, the first contains the introduction, the second considers the definition of terms, the third looks at the analysis of acts that constitute impersonation of legal practitioners under the law, the fourth contains an overview of the cases of impersonation in Nigeria, the fifth examines the inadequacy of the law and the sixth contains the recommendations and the seventh concludes the paper.

2. Definition of Terms

a. Impersonation

The term ‘impersonation’ is coined from the word ‘impersonate’. To impersonate, means to pretend to be somebody in order to trick people

¹ Legal Practitioners Act Cap II, Laws of the Federation of Nigeria, 2004.

or to entertain them.² The Black's Law Dictionary defines impersonation as 'the act of impersonating someone; the crime of falsely representing oneself as another person.'³ Impersonation is the act of intentionally copying another person's characteristics, such as his or her behaviour, speech, appearance, or expressions, especially to make people laugh. The act of attempting to deceive someone by pretending that you are another person.⁴ It is the act or practice of pretending to be someone else with the intention to mislead or deceive.⁵ Impersonation is a crime provided under the Criminal Code Act and the Penal Code Law.⁶ Section 484 of the Criminal Code Act provides that: 'Any person who, with intent to defraud any person, falsely represents himself to be some other person, living or dead, is guilty of a felony, and is liable to imprisonment.' Similarly, the Penal Code Law also provides for the offence of impersonation thus:

Whoever, falsely personates another, whether that other is an actual or fictitious person and in such assumed character makes any admission or statement, or causes any process to be issued or becomes bail or security, or does any other act in any suit or criminal prosecution shall be punished with imprisonment for a term which may extend to five years with a fine or both.⁷

²AS Hornby, *Oxford Advanced Learner's Dictionary* (9th edn, Oxford University Press, Oxford 2015) 788.

³Bryan A Garner, *Black's Law Dictionary* (10thedn, Thomas Reuters, United State of America, 2014) 871.

⁴Cambridge Dictionary. 'Impersonation.'<https://dictionary.cambridge.org...>accessed 6 January 2024.

⁵Dictionary.Com. 'Impersonation.'<https://www.dictionary.comimp...>accessed 6 January 2024.

⁶Criminal Code Act, Cap C 38, Laws of the Federation of Nigeria, 2004 and Penal Code Law Cap P Laws of the Federation of Nigeria 2004.

⁷Section 179 of the Penal Code Law.

Impersonation was defined in *Uam & Ors. v Anongo*,⁸ as: ‘... a question of one claiming to be who he/she is not.’

a. Legal Practitioner

By the provision of section 2 (1) of the Legal Practitioners Act, no person or institution other than that prescribed in the Act shall be allowed to practice as legal practitioner in Nigeria. Section 24 of the Legal Practitioners Act,⁹ defines legal practitioner as ‘a person entitled in accordance with the provisions of this Act to practise as a barrister or as a barrister and solicitor, either generally or for the purposes of any particular office or proceedings.’ A legal practitioner in Nigeria is a person qualified to practise as a barrister and solicitor.¹⁰ By the combined effect of the above provisions, before a person will be qualified to practice as a legal practitioner in Nigeria, he must have been called to the Bar and his name on the roll of legal practitioners at the Supreme Court of Nigeria. Enrolment at the Supreme Court of Nigeria is in two ways. Firstly, a person who has been called to the Nigerian Bar by the Body of Benchers must be enrolled at the Supreme Court before he will be regarded as a legal practitioner in Nigeria.¹¹ Secondly, the Attorney General of the Federation may after consultation with the General Council of the Bar and the Body of Benchers by regulation, provide for the enrolment of persons who are legal practitioners in any country which has reciprocal arrangement with Nigeria relating to the practice of law. When the person satisfied the conditions stipulated by the Attorney General, he shall be enrolment at the Supreme Court to practice as a legal practitioner in

⁸ (2021) LPELR – 57912 (CA) page 40 para. E, Per Cordelia Ifeoma Jombo-Ofo.

⁹ Legal Practitioners Act, Cap LII, Laws of the Federation of Nigerian, 2004.

¹⁰ AJ Beredugo, *Nigerian Legal System*, (3rdedn, Malthouse Limited, Lagos 2009)204.

¹¹ S. 4 (1) and 7 (1) of the Legal Practitioners Act. Before a person will be called to the Nigerian Bar, and the subsequent enrolment at the Supreme Court, the person must have attended the Nigerian Law School and passed the Bar Final examinations. However, a citizen of Nigeria, can be exempted from writing the Bar Final Examinations on the fulfilment of the conditions as provided under Legal Notice No. 439 of 5 July 1989.

Nigeria by the Chief Justice of Nigeria.¹² The criteria include presenting a certificate signed by the Attorney General of the Federation attesting to the individual's nationality from an African Union member state, which grants Nigerians the same right of enrolment; passing the Council of Legal Education's general knowledge of the law examination; or satisfying the Attorney General of the Federation regarding their familiarity with Nigerian law and their good character with the Chief Justice of Nigeria.¹³

3. Analysis of Acts that Constitute Impersonation of a Legal Practitioner under the Law

There are several acts that can amount to impersonation of legal practitioner. The Legal Practitioners Act, listed some of the acts. Acts that constitute impersonation of legal practitioners are provided under section 22 (1) of the Legal Practitioner Act thus:

- (1) Subject to the provision of this section, if any person other than a legal practitioner-
 - (a) practices, or holds himself out to practice, as a legal practitioner; or
 - (b) takes or uses the title of legal practitioner; or
 - (c) wilfully takes or uses any name, title, addition or description falsely implying, or otherwise pretends, that he is a legal practitioner or is qualified or recognised by law to act as a legal practitioner; or
 - (d) prepares for or in expectation of reward any instrument relating to immovable property, or relating to or with a view to the grant of probate or letters of administration, or relating to or with a view to proceedings in any court of record in Nigeria, he is guilty of an offence and liable, in the case of an offence under paragraph (a) of this subsection or a second or subsequent offence under paragraph (d) of this subsection, to a fine of an amount

¹² S. 7 (2) of the Legal Practitioners Act; s. 6 of the Legal Practitioners (Amendment) Decree 21 of 1994; Regulation 2 of the Legal Practitioners (Special Facilities to Practice in Nigeria) Regulations 1968.

¹³ Regulation 2 (1) of the Legal Practitioners (Special Facilities to Practice in Nigeria) Regulations 1968.

not exceeding N200 or imprisonment for a term not exceeding two years or both such fine and imprisonment and in any other case to a fine of an amount not exceeding N100.

Under paragraph (a), above, two offences or acts of impersonation have been distilled, to wit, practising as a legal practitioner and holding out to practice as a legal practitioner. In illustration, where a person who is not a legal practitioner appears in court to represent a party as an advocate in a proceeding may be deemed to actually practice as a legal practitioner. On the other hand, a person may hold himself out to practice as a legal practitioner, where by his words or conduct makes people to believe that he practices as a legal practitioner, even though he does not in fact practice as one. Therefore, if someone who is not a lawyer brags to others that he has been representing parties in court as an advocate or appears in public wearing lawyer attire, it could be assumed that he is representing himself in the capacity of a lawyer.¹⁴ Moreso, when a person pastes the Nigerian Bar Association's sticker on the windscreen of his car or hangs the lawyers' bib in his car, he may be viewed to be holding himself out as a legal practitioner.

The instances in which an individual who is not a lawyer adds the title of a lawyer after his name on a business card, signboard, or another piece of correspondence that comes from him or permits himself to be referred to as one are highlighted in paragraph (b). The scenario described in paragraph (c)'s first leg occurs when someone purposefully uses a non-legal practitioner's name, title, or description to falsely imply that they are a legal practitioner or someone qualified to act as a lawyer. Any name, title, or description that may not be "legal practitioner" or a title similar to that but that could falsely imply that the person in question is a lawyer will do. Names like Attorney, Advocate, Counsel, Law Master, etc. are a few examples. The second leg addresses a scenario in which an individual poses as a lawyer or

¹⁴AO Okoye, *Law in Practice in Nigeria (Professional Ethics and Skills)*(3rdSnaap Press Ltd, Enugu 2021)80.

someone qualified to practice law by using such a name, title, or description.¹⁵

The first leg of the above paragraph (d) describes a scenario in which someone drafts an instrument on immovable property expecting payment or other benefits. Any document that purports to confer, transfer, limit, charge, or extinguish any interest in immovable property is considered an instrument.¹⁶ It should be noted that under this section, an individual is only accountable for the crime of impersonation if he prepares the document for or with the expectation of receiving payment or other benefits. Furthermore, preparing an instrument while working as a clerk, assistant, or student in a lawyer's office is permitted for someone who is not a lawyer.¹⁷ In any of these instances, the preparation of the documents is at the instance of the employer and the implication is that, the fee or the reward is for the employer. However, where any of these persons prepare an instrument outside the course of their employment and of course without the knowledge or consent of the employer, for or in expectation of a fee or reward, the offence of impersonation has been committed.¹⁸

The second leg under paragraph (d) contemplates the preparation of documents for the grant of probate or letters of administration for or in expectation of a fee or reward. This involves the various documents prepared and filed at the probate registry, which are necessary to secure probate over the estate of a deceased who left a will or letters of administration over the estate of an intestate deceased. It should be noted that this provision does not prohibit a person who is not a legal practitioner from preparing a will or any other testamentary instrument for another person.¹⁹ Such a will or other testamentary instruments may even be prepared by the person for or in expectation of reward as

¹⁵Olajumoke Shaeab, Ileola Adesina and Omoniyi B Akinola, 'Increase in Cases of Impersonation of Lawyers in Nigeria: Making a Case for Reforms.' [2022] 10 (2) *GSIJ*<<https://www.globalscientificjournal.com>>.....> accessed 7 February 2024.

¹⁶ S. 22 (2) of the Legal Practitioner Act.

¹⁷ Olajumoke Shaeab, Ileola Adesina and Omoniyi B Akinola, 'Increase in Cases of Impersonation of Lawyers in Nigeria: Making a Case for Reforms.' [2022] 10 (2) *GSIJ*<<https://www.globalscientificjournal.com>>.....> accessed 7 February 2024.

¹⁸AO Okoye, (n 14) 83.

¹⁹ S. 22 (4) (e) of the Legal Practitioner Act.

the law, whether statutory or otherwise, did not confer exclusive right over such matters on only legal practitioners.²⁰ An instrument relating to the grant of probate or letter of administration over a deceased person's estate, or any portion thereof, may be prepared by the person serving as their personal representative or by any person entitled to receive any part of the estate.²¹ It is worth mentioning that, such privilege only covers an instrument prepared by him which is within the scope of his interest. Thus, where for instance a beneficiary of an estate of a deceased prepares an instrument for or in expectation of a fee or reward for third parties over some other parts of the deceased estate, such instrument may not be protected by the exception in paragraph (b) of the section.

The third leg of paragraph (d) contemplates the situation where a person who is not a legal practitioner prepares documents for another person to be used in judicial proceedings. To this end, a person who is not a legal practitioner shall not prepare for another person any documents which may be used in judicial proceedings for or in expectation of a fee or reward.²² Nevertheless, suppose a non-legal practitioner who is also a party to a legal proceeding prepares a document to be used in the proceedings; in that case;²³ if the non-legal practitioner prepares a document solely to record information or an expert opinion for use in any such judicial proceedings before a court of record, that does not constitute an impersonation offence.²⁴

4. Overview of Cases of Impersonation of Legal Practitioners in Nigeria

There have been serious and continuous rise in cases of fake lawyers in Nigeria. This regrettable pattern has persisted despite numerous attempts and interventions to stop the trend. It is one of the issues afflicting Nigeria's legal community. Many quacks have emerged in different courts as counsel due to the development, and some have even accepted well-funded briefs as solicitors from unsuspecting

²⁰AO Okoye, (n 14) 84.

²¹ S. 22 (4) (b) of the Legal Practitioner Act.

²² S. 22 (4) (d) of the Legal Practitioner Act.

²³ S. 22 (4) (c) of the Legal Practitioner Act.

²⁴ S. 22 (4) (d) of the Legal Practitioner Act.

clients. In light of this, the Nigerian Bar Association issued lawyer stamps a few years ago. During the stamp's official launch, Nigeria's then-Chief Justice, Mohamoud Mohammed, said that the advancement had given the legal profession a boost and elevated Nigerian legal practice to meet the demands of a changing society. He had earlier lamented the country's high rate of fake lawyers calling it a regrettable trend that would undermine the integrity of the legal profession.²⁵ In July, 2021, the members of the Nigerian Bar Association Owerri Branch Anti Impersonation Committee led by the chairman Ihediohanma F. Akponye Esq, visited and had an interactive session with the Commissioner of Police Imo State, Abutu Yaro. The chairman lamented the situation of impersonation and asked the Commissioner of Police to create a special team of law enforcement officers to work with the Anti-Impersonation Committee in order to find and expose phoney lawyers and other dishonest individuals who engage in unlawful activities and run certain businesses that are only allowed for members of the legal profession that can affect the public's trust and the state's economy.²⁶ Regrettably, despite these efforts the phenomenon continued to be on the increase.

In 2015, one Alpha George, was apprehended, arraigned, convicted and jailed for three years for the impersonation of legal practitioners. During the judgment's delivery, the judge, Hon. Justice George Omeriji, said the three-year sentence would start when the convict was imprisoned. The judge further ordered that the attire of the legal professionals taken from him be archived at the Rivers State Ministry of Justice.²⁷ Reacting to the judgment, the State Prosecution Counsel, Chidi Eke, said that the judgment would serve as a deterrent to other fake lawyers. The Nigerian Bar Association had been doing a lot to stop quackery and impersonation in the legal profession. It is funny

²⁵Stephen Ubimago, 'Shopping for Legal Representation? Beware of Fake Lawyers.' <<https://independent.ngshopping-...>> accessed 29 January 2024.

²⁶ Chidiebube Okeoma, 'NBA decries upsurge in fake lawyers in Imo.' <<https://punchng.com/nba-decries-upsurge-in-fake-lawyers-in-imo/>> accessed 29 January 2024.

²⁷ Deolu, 'Impersonation: Fake Lawyer, Alpha George Sentenced To 3 Years In Prison.' <<https://www.informationng.com/2017/03/impersonation-fake-lawyer-alpha-george-sentenced-3-years-prison.html>> accessed 29 January 2024.

and unfortunate how people still decide to impersonate a lawyer. The Nigerian Bar Association has created a stamp for interested members of the Association. On every process you file in court, your stamp must be on it. If not, your process will be thrown out. With all these and many more, we still record incidents of impersonation. The law has taken its course on this one. The convict has learnt his lessons and we believe and hope this serves as a deterrent for others out there who are still parading themselves as lawyers.²⁸

In 2015, a 74-year-old Ghanaian was also arrested following several years of practising law in Lagos. Otunba Kehinde Dodo, the man whose identity was revealed as a fake legal practitioner, was taken into custody by the police at the Maroko Division, Victoria Island, Lagos. He had been tricking ignorant members of the public and portraying himself as a lawyer for fifteen years. According to the police, Dodo was taken into custody as a result of a complaint made by a man named David Onwu, who claimed that on June 13, 2014, the impostor had approached him, posing as a lawyer, and offered to sell him a piece of land for ₦80 million. Onwu believed him when he showed the alleged land title documents, and he received an advance of 1 million with a promise that the balance would be paid in three days. However, Onwu was informed by someone that the so-called lawyer was a fraud and that the land was not real, just as he was about to pay the balance he owed. Dodo admitted to serial impersonation and said that his goal was to deceive his victim during interrogation. He was charged with five counts of impersonation, forgery, and conspiracy to commit a felony, explicitly stealing ₦1million, at the Igbosere Magistrates' Court. As a result, he was given a five-year imprisonment term.²⁹

In July 2017, a Magistrates' Court, sentenced one Mr. Itopa Peter to 10-month imprisonment for impersonation of legal practitioners. Mr Itopa Peter has been practicing law for tens year and even made some audacious appearances at the Supreme Court. It was discovered that he won many cases at various inferior courts. While addressing the court,

²⁸ Ibid.

²⁹Our Correspondents, 'Why Due Diligence Should Guide Your Choice Of Legal Counsel' <<https://independent.ng/why-due-diligence-should-guide-your-choice-of-legal-counsel/>> accessed 29 January 2024

the lead prosecutor, Mr Ayoola Idowu Akande, said that the suspect had been practising under the name Barrister Inufin David Taiwo, whose certificate he had obtained under the guise of wanting to help the owner get a lucrative position in an oil company. The certificate's original owner has been reported to be a practising lawyer in Abuja, while Adogun, the impostor, moved to Ilorin, where he has been since 2007. The lawyer asserted that they met in Abuja during Mr. Adogun's one-year youth service.³⁰

Likewise, in 2017, at the Lagos State High Court in Igbosere Lagos Island, 30-year-old Daniel Ikhidenor Ikhuria, a native of Ekpoma in Edo State, was taken into custody for impersonating a lawyer. He appeared in court properly attired to represent one of the parties as counsel. He told the police in his confession that he had been a practising lawyer since 2011 and had defended clients in Magistrates' Court, Federal Courts, and State High Courts, among other courts. He claimed to have purchased the gown and wig from an open market, put them on, and begun practising.³¹ Additionally, in August 2017, Olaoluwa Joseph was taken into custody for pretending to be a lawyer in Akure, Ondo State, while appearing in a Chief Magistrate's Court. Before being caught, he had been sitting at the bar defending a case while dressed in the lawyer's attire. The impostor's lack of legal expertise was revealed by legal representation Olomoniyo Oluwabunmi, which led to the discovery. After investigating and searching his home, the police found a bail bond the suspect had used to obtain court bail for those charged. He was eventually charged with two counts of unlawfully possessing a lawyer's bail bond and falsely representing himself as a lawyer at the Chief Magistrates' Court, Oke Eda, Akure.³²

³⁰ Demola Akinyemi, 'Fake Lawyer Sentenced to 10 Months in Prison for Impersonation.' <<https://www.vanguardngr.com/fak...>> accessed 29 January 2024.

³¹ Stephen Ubimago, 'Shopping For Legal Representation? Beware Of Fake Lawyers' <<https://independent.ng/shopping-for-legal-representation-beware-of-fake-lawyers/>> accessed 29 January 2024.

³² Stephen Ubimago, 'Shopping For Legal Representation? Beware Of Fake Lawyers' <<https://independent.ng/shopping-for-legal-representation-beware-of-fake-lawyers/>> accessed 29 January 2024.

Also, in February 2018, Police apprehended Chris Elisha, a 49-year-old impostor in the legal profession for 15 years. While he was requesting bail for his client at the Ojo Magistrates' Court in Lagos State, he was taken into custody. He veered off issue while attempting to cite a section from the constitution, raising a lawyer's suspicions and resulting in his arrest. He confessed to have studied law at a Ukrainian University and have won many cases but was yet to be called to the Nigerian Bar.³³ Also, Charles Nwadiani, 42, was apprehended and charged in August 2019 at an Ikorodu Magistrates' Court in Lagos for purportedly representing himself as a lawyer. A six-count charge against Nwadiani that included impersonation, forgery, obtaining money under false pretenses, and resisting arrest was pending trial.³⁴ Similarly, Azeez Agboola, 50, was taken into custody by Ogun State Police Command in April 2021 after allegedly pretending to be a lawyer while appearing before a Chief Magistrate as a counsel. The magistrate became suspicious of his court appearance and invited the police to arrest, question, and verify his claims.³⁵ In September 2021, Hon. Justice Peter Lifu of the Federal High Court in Osogbo, Osun state, sentenced a 64-year-old Folorunsho Olayanju to a year in prison for pretending to be a lawyer. According to reports, he was docked on six counts of fraud, impersonation, and theft. Under the guise of using the money as professional fees for the Supreme Court case he was pursuing, he defrauded one Hammed Bamidele with ₦2,250,000.³⁶ In January 2022, the Economic and Financial Crimes Commission (EFCC) arrested a suspected fake lawyer, Adekola Adekeye in Lagos on the allegation of impersonating a legal practitioner and forgery. He

³³Afeez Hanafi, 'Lagos Fake Lawyer Caught after 15-Years Practice.' <<https://guardian.ng/news/police> ...>accessed 6 January 2024.

³⁴Winifred Austin. 'Fake Lawyer in Court for Impersonation.' <<https://dailypost.ng/2019/08/05>>accessed 6 January 2024.

³⁵ Unini Chioma, 'Fake Lawyer Nabbed In Court Appearing For 'Client'.' <<https://guardian.ng/news/nigeria>>accessed 6 January 2024.

³⁶ Shina Abubaka, 'Osun Fake Lawyer Bags One-Year Jail Term for Impersonation.' <<https://www.vanguardngr.com/os>>accessed 6 January 2024.

paraded himself as a lawyer to secure the release of a detained suspect for fraud at the Lagos Zonal office.³⁷

In January, 2023, a 26-year-old Adewole Sikiru Balogun, who claimed to be lawyer, was also arraigned at the Chief Magistrates' Court one, Iyaganku Ibadan, Oyo State on a charge of impersonation of a legal practitioner. Balogun was said to have stood as a guarantor in his self-acclaimed capacity as a legal practitioner for his pregnant girlfriend who was arrested for embezzling the money of a company which employed her.³⁸In July 2023, Abdulgafar Ayarinde, son of Ibadan popular lawyer, bagged 3 years jail term for impersonating a legal practitioner. The young man was said to have dropped out of the university of Ibadan where he studied law. He was sentenced to 6 years imprisonment by the court for impersonating a legal practitioner and for committing fraud. The 25-year-old was dragged before a magistrate court sitting in Osogbo, Osun State by the Nigeria Security and Civil Defence Corps and slammed with a two-count charge bothering on impersonation and fraud. He was said to have impersonated a legal practitioner and duped a Point of Sales (POS) operator.³⁹Recently the Nigerian Bar Association, Ibadan branch, Oyo State (Anti-Touting and Ethics Committee) on November 22, 2023, led to the revelation and arrest of at least twenty-two suspects engaging in illegal practice of law, touting and unlawful preparation of legal documents.⁴⁰ It should be noted that most cases of impersonation do not go beyond the High Court and that is why they are not usually reported or published in Law Reports.

5. The Adequacy or Otherwise of the Law

³⁷ Wilson Uwujaren, 'EFCC Arrests Suspected Fake Lawyer for Alleged Forgery and Impersonation.' <<https://www.premiumtimesng.com>>. accessed 6 January 2024.

³⁸ Oluwatoyin Malik, 'Fake Lawyer, Sikiru Arraigned in Court for Impersonation in Ibadan.' <<https://tribuneonlineng.com/fake>>. accessed 6 January 2024.

³⁹ Reuben Abati, 'Son of Ibadan Popular Lawyer, Bags Three Years Jail Term for Impersonating Lawyer and Fraud.' <<https://www.reubenabati.com.ng/s...>> accessed 6 January 2024.

⁴⁰ Halima Abiola, 'Oyo State Police Command Arraigns 22 Suspects Accused of Impersonating, and Engaging in Unlawful Practice of Law by Signing and Sealing Legal Documents meant for Lawyers Only.' <<https://loyalnigerianlawyer.com>>...> accessed 6 January 2024.

The applicable provision dealing with impersonation under the Legal Practitioners Act, is Section 22(1). The section provides thus:

- (1) Subject to the provision of this section, if any person other than a legal practitioner-
 - (a) practices, or holds himself out to practice, as a legal practitioner; or
 - (b) takes or uses the title of legal practitioner; or
 - (c) wilfully takes or uses any name, title, addition or description falsely implying, or otherwise pretends, that he is a legal practitioner or is qualified or recognised by law to act as a legal practitioner; or
 - (d) prepares for or in expectation of reward any instrument relating to immovable property, or relating to or with a view to the grant of probate or letters of administration, or relating to or with a view to proceedings in any court of record in Nigeria, he is guilty of an offence and liable, in the case of an offence under paragraph (a) of this subsection or a second or subsequent offence under paragraph (d) of this subsection, to a fine of an amount not exceeding N200 or imprisonment for a term not exceeding two years or both such fine and imprisonment and in any other case to a fine of an amount not exceeding N100.

From the above provision, the punishment for the offence of impersonation is two years term of imprisonment and an option of fine in the paltry sum of N200 and N100 or both. When a person is found guilty of practices, or holds himself out to practise as a legal practitioner; prepares for or in expectation of a reward any instrument relating to immovable property or relating to the grant of probate, letter of administration or with respect to any proceeding in court, under paragraph (a) and (d) above, it attracts a maximum of two years terms of imprisonment and N200 fine. While, under paragraph (b) and (c) above, when a person is found guilty of taking or using the title of a legal practitioner; uses any name, title, addition or description falsely implying or otherwise pretends to be a legal practitioner or qualified or recognised by law to act as a legal practitioner, attracts a fine of N100. This is very ridiculous to say the least. It is submitted

that the term of imprisonment is a slap on the wrist and the fine laughable. It is the major reason why impersonation is on the increase. The culture of impunity festers when there are no consequences or commensurate consequences for infractions or negative actions. People will keep on impersonating legal practitioners in Nigeria unabatedly until the term of imprisonment and fine are reviewed. It is only when it is reviewed upward that this ugly trend of impersonation of legal practitioners in Nigeria would be curtailed or contained.

Furthermore, subsection (3) and (6) provides thus:

(3) Nothing in subsection (1) of this section shall prevent a person from being dealt with for contempt of court, but no proceedings for an offence under this section shall be brought or continued against a person in respect of any act if he has been dealt with for contempt of court in respect of that act;

(6) No proceedings for an offence under this section shall be begun after the expiration of the period of three years beginning with the date of the offence.

From the provision of subsection (3) above, proceedings cannot be initiated against a person accused of impersonation of legal practitioner if he has already been convicted and punished for contempt of court. By virtue of section 133 of the Criminal Code of Lagos State, the maximum term of imprisonment for contempt of court is 3 months. To this end, the court cannot impose a punishment that is beyond what the law provides for contempt, therefore negating the purpose of the provision against impersonation. It is submitted that subsection (3) does not serve any useful purpose rather it constitutes an albatross to the full application of the punitive measure against impersonation. We agree with Olajumoke, Ileola and Akinola, that the punishment for contempt of the offence under section 22 (1) of the Legal Practitioners Act will not be enough or sufficient, in view of the fact that the court cannot impose a sentence which exceeds its

statutory limits of 3 months term of imprisonment.⁴¹ Also, the provision of subsection (6) does not serve the purpose of the law. Imposing a time limit of three years within which to initiate a proceeding for impersonation has the tendency of encouraging the commission of the offence rather than deterrent which is the generic purpose of the law.

6. Recommendations

Against the backdrop of the rapid increase in the impersonation of legal practitioners in Nigeria, it is recommended that:

- (i) Section 22 of the Legal Practitioners Act should be amended to provide a minimum of 10 years terms of imprisonment, fine of five million naira among others for the offence of impersonating a legal practitioner. This will serve as a deterrent and reduce to the barest minimum the incidence of impersonation of legal practitioners in Nigeria.
- (ii) Where an allegation of impersonation is levelled against someone, the law enforcement agency concerned should carry out thorough investigation and arraign the person in court if there is merit in the allegation. More importantly, the trial of the person should be done without delay and more often, the maximum penalty prescribed for the offence of impersonation should be meted out in the event of conviction.
- (iii) Section 22 of the Legal Practitioners Act should be amended to delete subsection (3) and (6) as they lack utility value and are counterproductive to containing the impersonation of legal practitioners.

7. Conclusion

There is no gainsaying the fact that the issue of impersonation of legal practitioners is one of the many challenges the legal profession is

⁴¹Olajumoke Shaebe, Ileola Adesina and Omoniyi B Akinola, 'Increase in Cases of Impersonation of Lawyers in Nigeria: Making a Case for Reforms.' [2022] 10 (2) *GSSJ* <<https://www.globalscientificjournal.com>>.....> accessed 7 February 2024.

facing in Nigeria. The negative phenomenon has eaten so deep into the fabric of the legal profession such that it is now a daily occurrence. Unfortunately, effort in recent times to nip it in the bud has not yielded the desired result. This article has not only extensively analysed the nature and cases of impersonation of legal practitioners in Nigeria, but also considered the reason the ugly trend has remained on the increase in Nigeria. The inadequacy of the law is the major cause. It is submitted that if the recommendations are accepted and implemented, the negative phenomenon will drastically reduce to the barest minimum.