

Chima Umezuruike LLB (Hons) LLM

General Information

Classed as a 'heavyweight' by The Lawyer magazine, Chima is a highly experienced Barrister with a versatile civil and family practice with over 30 years of combined legal expertise in the UK and Nigeria.

Dual qualified at both the English and Nigerian Bar, Chima regularly appears in the Civil and Family Courts in the UK and Nigeria, has extensive experience representing clients in complex cases in the English High Court and the Court of Appeal, and has appeared in the Judicial Committee of the House of Lords.

Chima has a strong civil practice focused on property and commercial matters and he is also experienced in family and public/immigration law, especially where there is an international element.

As an accredited expert on Nigerian Law, Chima has been involved in many cross-border cases between Nigeria and England and regularly prepares expert reports on Nigerian Law for use in the English Courts and gives expert evidence on Nigerian law at English Crown Courts. He is a member of The Expert Witness Institute and a full member of The Academy of Experts as a Nigerian Barrister.

Based in Nigeria, Chima frequently travels to London for interlocutory hearings, case and costs management conferences, trials and appeals, as well as appearing in English courts remotely from Nigeria. Thanks to technology, he can work effectively from any location and liaises closely with clients and solicitors in England, holding remote conferences via video and phone, receiving instructions, and drafting court documents. He has represented clients based in many locations throughout the world and clients often comment on his accessibility, speed, and accuracy of his work.

Professional Qualifications & Associations

- Called to the English Bar by the Honourable Society of the Inner Temple in 1991
- Called to the Nigerian Bar as a barrister and solicitor of the Supreme Court of Nigeria in 1986
- Master of Laws (LLM) – University of London, LSE
- Bachelor of Law (LLB Hons) – University of Nigeria
- ILEX Diploma in Criminal Litigation
- Elected full member of The Academy of Experts as a Nigerian Barrister
- Elected member of The Expert Witness Institute

TESTIMONIALS

“Mr Umezuruike has made a number of detailed submissions to the court, both in writing and orally. These submissions were not only thorough but extremely clear and competent. First of all he identifies the issues. At the forefront of his argument he places the issue of whether or not the claimant has established that the deceased had an English domicile of choice”

Extract from a Judgment given by Mr Justice Gibbs

ENGLISH LAW

Property

Chima advises on a wide range of commercial and residential property rights and disputes. He deals with disputes over ownership of property, rectification of entries in the Land Register, easements, renewal of commercial leases, forced sale, applications for relief from forfeiture, landlord and tenant issues and obtaining injunctions to restrain the unlawful eviction of

tenants and all rights affecting property.

Examples of reported cases:

- **Antoine –v- Barclays Bank [2018] EWCA Civ 2846 (Court of Appeal)** - Chima acted for the Appellant at the Court of Appeal in this complex case involving a novel point of law regarding the rectification of an entry at the Land Registry. The Appellant sought to remove from the land register, a legal charge that one Mr T. had created in favour of the Bank. Prior to creating the legal charge in favour of the Bank, Mr T. had been registered as the proprietor of the property in question and as a result of a court order which transferred ownership of the property from the Appellant's father to him on the basis of forged documents which were presented to the High Court. Before a legal charge can be removed from the land register by the process of rectification, the registration of the legal charge must be a mistake for the purposes of schedule 4 to the Land Registration Act 2002. For it to be a mistake it must be void. The Court of Appeal held that whilst the forged documents that were presented to the High Court were void, the court order that was based on them was not void because whilst the legal concepts of voidness and voidability form part of the English law of contract, they are inapplicable to orders made by a court of unlimited jurisdiction in the course of contentious litigation. Such an order is either irregular or regular. If it is irregular, it can be set aside by the court that made it upon application to that court: if it is regular, it can only be set aside by an appellate court upon appeal if there is one to which an appeal lies. Accordingly, neither the registration of Mr T. as the proprietor of the property nor the subsequent registration of the legal charge that was created by Mr T. was a mistake for the purposes of schedule 4 to the Land Registration Act 2002.
- **Aribisala v St James' Homes (Grosvenor Dock) Ltd. [2008] EWHC 456 (Ch)** - Chima acted for the Claimant in Aribisala v St James' Homes (Grosvenor Dock) Ltd. [2008] EWHC 456 (Ch) where Floyd J dealt with the principles of exercising the court's discretion under s.49(2) LPA 1925 (returning the deposit paid by a prospective buyer of property when the sale was not completed).

Commercial

Chima specialises in commercial disputes involving breaches of contract, allegations of breach of fiduciary duties, constructive trusts, quantification of damages in breach of contract cases, and freezing injunctions. He often deals with cross-border cases where the proceedings are pending in England, Nigeria and other jurisdictions.

Examples of reported cases:

- **Captain Saulawa -v- Captain Abeyratne & Another [2018] EWHC 2463 (Ch)** - Chima acted for the Claimant where the court dealt with the principles of giving permission to a claimant to file a fresh claim after the previous claim has been discontinued.
- **Attorney General of Zambia v Meer Care & Desai (A firm) and Others [2006] EWCA Civ 390 (CA)** - Chima acted for six of the defendants, including a former president of Zambia. It was a cross-border case between England and Zambia involving issues of constructive trust and fraud.
- **Corporate Carriages Ltd. v Smith and another Chancery Division 7 November 2005** - Chima acted for the Claimant in this case that involved the fiduciary duties of vendors of shares to the purchaser.
- **AIC Ltd. v Federal Government of Nigeria and Anor [2003] EWHC 1357 (QB)** - Chima acted for the Claimant in an application to enforce a judgment that was obtained against the Federal Government of Nigeria in a Nigerian court. The defendant pleaded state immunity in respect of its assets that the claimant sought to attach in London for the enforcement of the Nigerian judgment.

Family

Chima has acted for numerous clients in high-value divorces cases involving England and Nigeria that deal with complex issues of the English courts having jurisdiction over such proceedings, the most convenient forum for the entertainment of the proceedings, the validity of marriages and divorces and cross-border child arrangements.

Examples of reported cases:

- **Mark v Mark [2005] UKHL 42 (on appeal from [2004] EWCA Civ 168)** – Chima acted for the respondent in the House of Lords where the issue was whether a person can be either habitually resident or domiciled in England and Wales if her presence in the United Kingdom is a criminal offence under the Immigration Act 1971 for the purposes of presenting a divorce petition in England and Wales.

Moses-Taiga v Taiga [2004] EWCA Civ 1399 – Chima acted for the appellant in the Court of Appeal in this case that dealt with the power of the appellate court to vary the terms of the grant of permission to appeal and the terms of the order for stay pending appeal.

Public Law & Immigration

Chima represents clients in applications for judicial review of decisions of government bodies. He has successfully applied for the judicial review of decisions made by the Home Office on immigration cases and the refusal of the Foreign Office (through the British High Commissions and embassies in foreign countries) to grant visas to his clients.

He has also challenged the decisions of local authorities in matters like allocation of council accommodation, granting and revoking licenses to operate nursery schools and old people's homes. He has also been involved in disputes over the entitlement to bury people.

Examples of reported cases:

- **R (on the application of Farina HAQQ) –v- HM Coroner for Inner West London and Another [2003] EWHC 3366 (Admin)** - Chima acted for one of the widows of the deceased in a dispute as to which of the two widows was entitled to the dead body of their deceased husband who had died intestate.
- **Abdullahi v Mudashiru [2003] ALL ER (D) 477 (Oct)** - Chima acted for the executors of the will of the deceased person in a dispute as to who was entitled to his dead body.

Chima also advises clients on how to make visa applications, particularly those applying from Nigeria to the UK, completing visa application forms, preparing covering letters to support applications to the British High Commission and applications for judicial review where applications have been refused and representation at immigration tribunals.

NIGERIAN LAW

Chima heads up Clerkroom's Nigerian Law Group and has been involved in many cross-border cases between Nigeria and England. He specialises in providing expert advice on cross-border matters between the UK and Nigeria, be that property, commercial or family law for businesses and individuals with interests or family ties to Nigeria. He regularly prepares expert reports on Nigerian Law for use in the English Courts and has given expert evidence on Nigerian law in trials at English Crown Courts.

He is frequently instructed to prepare expert's reports on Nigerian law (especially, on the validity of customary and statutory marriages, financial relief in matrimonial cases, custody of children, costs and length of litigation, enforcement of foreign judgments in Nigeria, succession, property law, criminal law, constitutional law and commercial law) for use in the County Courts, High Court and Court of Appeal of England and Wales.

Chima is experienced in settling pleadings for use in the Nigerian courts and appears as an advocate in the High Court of Abia State of Nigeria, the High Court of Lagos State of Nigeria, the High Court of Rivers State of Nigeria, the Federal High Court in Nigeria, the Court of Appeal of Nigeria and in the Supreme Court of Nigeria.

Examples of his cases include:

- giving expert opinion on a ruling regarding Nigerian Constitution s182 (1) (e) where the judge said, *"The expert witnesses strongly held contrary views...I preferred and accepted the evidence of Mr Umezeruike, which reinforced my own view"*.
- giving expert evidence on Nigerian criminal law and constitutional law in a fraud and money laundering trial involving a former Governor of a State in Nigeria (James Ibori) in Southwark Crown Court
- expert evidence on Nigeria constitutional law on behalf of the Crown at the trial of the said James Ibori at Southwark Crown Court, where of the conflicting views of the experts, his was accepted by the Judge
- acting as an expert witness for the defendants at Harrow Crown Court in a case of modern-day slavery, where he gave evidence on the Nigerian customary law of adoption of children
- He conducted a complicated trial for the determination of the validity of a customary marriage in the High Court of Lagos State of Nigeria.

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