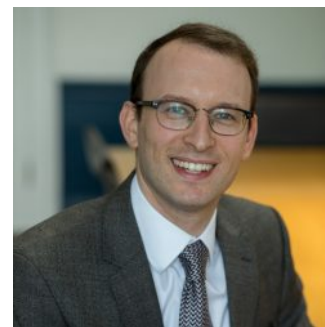

Daniel Isenberg

Daniel's practice spans Chambers' core areas of work, with a particular focus on commercial, employment, business protection, data protection and public law matters.

He is ranked in the Legal 500 for administrative and public law, data protection, and employment law, and in Chambers and Partners in administrative and public and data protection law. Daniel has also been appointed to both the Attorney General's and the Equality and Human Rights Commission's C Panels of Counsel and to Sport Resolutions' Pro Bono Legal Advice Panel.

His recent and current cases include ***Stobart Group Ltd v Tinkler*** [2019] EWHC 258 (Comm), concerning the prominent boardroom dispute at the FTSE 500 company; ***Abramovich v Hoffmann*** (High Court, Ch. D), a high-profile, high-value breach of duties and tax restitution claim; ***Bank Mellat v HM Treasury*** regarding the legality of financial sanctions placed on the Iranian bank; and ***Weaver & ors v British Airways plc***, the group litigation brought against British Airways arising out of the cyber-attack on BA in autumn 2018.

Daniel was previously the Judicial Assistant to Lord Sumption and Lord Carnwath at the Supreme Court, assisting the Justices on a number of the leading and high-profile cases across Chambers' areas of practice. Before coming to the Bar he was a fast-streamer at the Ministry of Defence.



Professional Summary

Called 2015

Contact Details

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Clerk Lee Cutler

Clerk Tori Eastwick

[Contact Clerks](#)

Specialisms

Commercial & Business Protection

Daniel accepts instructions (both led and unled) in all areas of commercial dispute resolution and business protection matters. He has particular experience in claims relating to breach of directors'/fiduciary duties and boardroom disputes.

Daniel is also regularly instructed in matters relating to limited liability partnerships, including a significant dispute between an asset management firm and one of its former partners, as well as in an ongoing dispute between a hedge fund and one of its members.

Recent High Court instructions include:

- ***Stobart Group Ltd v Tinkler*** [2019] EWHC 258 (Comm), concerning an executive director's breach of his fiduciary and contractual duties; as well as the subsequent claim by the Defendant, seeking to set aside the original judgment for fraud.
- ***Abramovich v Hoffmann (ChD)***, a high-profile claim for breaches of fiduciary and contractual duties, and for restitution of tax liability paid to HMRC.
- Acting for an individual defendant in multi-party conspiracy and breach of duty claim brought by a publicly-listed company.
- ***Idris-Goudarz v Goudarz*** [2020] EWHC 1878 (Ch): acting as sole counsel in a multi-day Chancery Division trial for the applicant, successfully enforcing a Tomlin Order and resisting her father's debt claim under purported oral agreements.
- Advising a solicitor in relation to a contentious exit from a firm, including in relation to the

scope and applicability of various covenants.

- He has also recently been instructed in arbitration proceedings in a team move case for an international law firm.

Employment

In addition to the business protection matters above, Daniel has built up experience on a range of statutory and common law employment matters, including claims under the Equality Act, unfair dismissal, minimum wage, working time and redundancy-related claims. He regularly appears as sole counsel before the Employment Tribunal, including in multi-day trials.

Daniel is particularly well-placed to advise and frequently acts on matters relating to employee-shareholders and employee-directors, and the overlap between employment and company law, including boardroom disputes and breaches of directors' and/or fiduciary duties.

Recent and ongoing instructions include:

- ***Ferguson v Astrea Asset Management Ltd*** [2020] ICR 1517; [2020] IRLR 577: concerning whether variations to employment contracts beneficial to the employees were rendered void by the TUPE Regulations.
- ***Hall v London Lions Basketball Club (UK) Ltd*** [2021] IRLR 17, acting as sole counsel before the EAT on behalf of a professional basketball player on an appeal concerning the measure of wrongful dismissal damages in a fixed-term contract.
- ***Rutnam v Secretary of State for the Home Department*** – one of *The Lawyer* magazine's 'top 20' cases of 2021, instructed by the Home Secretary in relation to the high-profile constructive dismissal and whistleblowing claims brought by the former Permanent Secretary.
- ***Maccaba v Waratek***, complex High Court litigation relating to allegations of wrongful dismissal and breach of contract and counter-allegations of breach of contractual and fiduciary obligations in relation to the former chief executive of the anti-virus technology company.
- He has also recently been instructed in arbitration proceedings in a team move case for an international law firm.

He has developed particular expertise in state immunity matters before the Employment Tribunal, and is regularly instructed as sole counsel on behalf of foreign states.

As a judicial assistant, Daniel drafted submissions to the Privy Council in place of the absent Respondent in ***University of Technology, Jamaica v Industrial Disputes Tribunal*** [2017] UKPC 22 (see para 2), about whether the Industrial Disputes Tribunal was entitled to take into account matters of which the employer was unaware at the time of the dismissal.

Daniel is particularly well-grounded in equality and discrimination law following his involvement in ***Essop v Home Office, Naeem v Secretary of State for Justice*** [2017] UKSC 27, concerning whether in an indirect discrimination claim there is a need to establish why a provision, criterion or practice causes individuals with a protected characteristic particular disadvantage (as a judicial assistant). He is also a member of the EHRC's C Panel of Counsel.

Public & Human Rights

Daniel is also a member of the Attorney General's C Panel of Treasury Counsel. He acted for the successful defendants in ***R (EU Lotto Ltd and others) v Secretary of State for Digital, Culture, Media and Sport*** [2019] 1 CMLR 41, an EU law challenge to the ban on betting on non-UK Euromillions lotteries; and ***R (MP) v Secretary of State for Health and Social Care*** [2018] EWHC [3392] (Admin), consultation- and PSED-based challenges to reforms to the regime for charging 'overseas visitors' for NHS services.

Recent and ongoing instructions include:

- ***R (the3Million Limited & ors) v Minister for the Cabinet Office***, acting for the Defendant in the judicial review brought by a campaign group into the widely-publicised problems associated with the May 2019 European Parliamentary elections and associated damages claim.
- ***R (Schofield) v Secretary of State for the Home Department***, a challenge under Article 2 to the UK's ban on the admissibility of 'intercept evidence', arising out of the high-profile collapse of the prosecution of the Chief Constable of Greater Manchester Police, following the findings public inquiry into the shooting of Anthony Grainger.
- ***Brook House Public Inquiry*** – acting for a core participant in the Article 3 public inquiry into allegations of abuse and mistreatment at the Brook House immigration removal centre, following an undercover BBC Panorama report.
- Advising and acting for central government departments in relation to their responses to the COVID-19 pandemic, including in relation to the guidance on visits to residential care homes (the ***John's Campaign Judicial Review***).

With his background at the Ministry of Defence, Daniel has particular experience and expertise in defence and national security matters. He was the Deputy Executive Editor (Print) of the *Harvard National Security Journal* and has acted as a researcher for the then-Independent Reviewer of Terrorism Legislation, David Anderson KC.

In the national security field, Daniel acted for the Government in ***Bank Mellat v HM Treasury*** concerning the bank's original damages claim, as well as its challenge to subsequent sanctions orders. He has been involved in ***Belhaj v Straw*** [2017] UKSC 3, regarding the application of the 'foreign act of state' doctrine (as a judicial assistant). Daniel has also developed significant experience in relation to historical claims in the defence and national security context, including the ***Kenya Emergency Group Litigation***, instructed through the GLD's 'junior junior' scheme.

During his time as a judicial assistant, Daniel worked on the leading constitutional cases before the Supreme Court, including ***R (Miller) v Secretary of State for Exiting the European Union*** [2017] UKSC 5, regarding the Government's ability to notify the EU of the UK's withdrawal under Article 50 TFEU without Parliamentary approval.

Public International Law

Daniel is experienced in a wide range of complex issues of public international law, with a particular expertise and interest in questions of immunities and privileges (especially under the VCDR). He is regularly instructed as sole counsel on behalf of foreign states in relation to issues of state immunity.

He has been involved in most of the leading recent cases on questions of immunity, including:

- ***Reyes v Al-Malki*** [2017] UKSC 61, concerning the application of the 'commercial activity' exception under Article 31(1)(c) of the VCDR to allegations of trafficking (as a judicial assistant).
- ***R (Bancoult No. 3) v Secretary of State for Foreign and Commonwealth Affairs*** [2018] UKSC 3, about the admissibility of a 'Wikileaks' cable under the VCDR (as a judicial assistant).
- ***Al-Juffali v Estrada*** [2016] EWCA Civ 176, concerning the immunity of a permanent representative to the International Maritime Organisation and whether the court can 'look behind' his status (as a pupil, assisting Martin Chamberlain KC).
- ***Benkharbouche v Secretary of State for Foreign and Commonwealth Affairs*** [2017] UKSC 62, regarding the compatibility of provisions of the State Immunity Act 1978 with the ECHR and EU Charter, and their basis in customary international law (as a judicial assistant).
- ***R (Freedom and Justice Party) v Secretary of State for Foreign and Commonwealth Affairs*** [2018] (CA, judgment pending), concerning the existence of 'special missions immunity' under customary international law (as a pupil, assisting Karen Steyn KC).

Daniel has worked on further PIL matters, including ***Al-Waheed v Ministry of Defence*** [2017] UKSC 2 on the power under international law to detain in a non-international armed conflict (as a judicial assistant); as well as during his time as a 'Foreign Law Clerk' at the Supreme Court of Israel.

Data Protection

Daniel also has a significant data protection practice, focusing in particular on ‘data breach’ claims, involving the compromise of the personal data of a large number of data subjects, whether inadvertent or by cyber-criminals.

He currently acts for the defendant in the ***British Airways Group Litigation*** arising out of the cyber-attack on BA’s systems in autumn 2018 – the first mass piece of group litigation under the GDPR. He is also acting in a number of other data breach claims, each with potentially significant numbers of claimants.

Daniel also regularly acts for the Information Commissioner and public authorities in FOIA appeals.

Recommendations

“Daniel Isenberg is very user-friendly. He gives commercial advice, is nice to work with and is knowledgeable.” **Chambers & Partners**

“He’s very knowledgeable and presents complex issues in a very clear way. He’s always a pleasure to work with.” **Chambers & Partners**

“He provides strong client service and commercial awareness.” **Chambers & Partners**

“He has very, very good drafting skills.” **Chambers & Partners**

“He is an excellent advocate who is robust and commercial.” **Chambers & Partners**

“He has a good command of case law and he is not afraid to push the boundaries in developing fresh legal arguments that have not been run before.” **Chambers & Partners**

“First-rate professional in mind and in practice. A future heavyweight silk without doubt.” **Legal 500**

“Daniel has a superb intellect. He is good at analysing the legal issues in a case, and writes extremely well.” **Legal 500**

“Daniel to be wise, practical and incredibly adaptable and responsive. A great team player who was good at building a rapport with the client and offering solutions to knotty problems in a fast-paced matter.” **Legal 500**

“One of the smartest juniors I’ve met in a long time; his writing’s excellent and his judgement’s superb.” **Chambers & Partners**

“Clearly highly intelligent and gets to the heart of the issue very quickly. He also has an excellent manner with clients and a great ability to distil complex legal matters into clear, commercial advice.” **Legal 500**

“He’s highly intelligent, great with clients and responsive.” **Chambers & Partners**

“He’s very bright and very good to work with.” **Chambers & Partners**

“Superb legal insight, excellent drafting and affable manner... Very capable and one to watch.” **Legal 500**

“Quick, smart, helpful and hardworking.” **Legal 500**

Education

BA History, University of Cambridge, Pembroke College – *Double First Class*

Graduate Diploma in Law (GDL), City University, London – *Distinction (top of year)*

Bar Professional Training Course (BPTC), City University, London – *Outstanding*

LL.M., Harvard Law School (Frank Knox Memorial Fellow)

Awards

Scholarships and fellowships:

- Phoenicia Scholarship (*Bar European Group*), 2016
- Wyndham Deedes Memorial Scholarship for Clerkship at the Supreme Court of Israel, 2015
- Student Fellowship at the Project on the Foundations of Private Law (*Harvard Law School*), 2014-15
- Frank Knox Memorial Fellowship (*Harvard University*), 2014-15
- Conference Scholarship (*ALBA*), 2013
- Excellence Award Scholarship for BPTC (*City University, London*), 2013
- Queen Mother's Scholarships for GDL and BPTC (*Middle Temple*), 2012, 2013
- Foundation Scholarship (*Pembroke College, Cambridge*), 2009, 2010

Other awards and prizes:

- Certificate of Honour for BPTC results (*Middle Temple*), 2014
- HRLA Judicial Review Competition – 2nd Place, 2014
- 3 Verulam Buildings Prize for Best GDL Performance (*City University, London*), 2013
- Excellence Prize for Highest Mark for an Intending Barrister (*City University, London*), 2013
- City GDL Mooting Competition – Winner, 2013
- UK Supreme Court Blog Essay Competition – Winner, 2013
- Certificate in Intelligence Studies (*King's College, London*), 2012
- Brian Riley Declamation Prize (*Pembroke College, Cambridge*), 2009
- Various College Prizes (*Pembroke College, Cambridge*), 2008-10

Other

Prior to becoming a barrister Daniel spent two years as a desk officer in the fast-stream at the Ministry of Defence. He worked on various national and international security matters, including the defence effort for the London 2012 Olympics.

Daniel has also previously spent time as a 'Foreign Law Clerk' to Justice Hanan Melcer at the Supreme Court of Israel; volunteered as a student attorney at the Harvard Prison Legal Assistance Project; and regularly contributed to the UK Human Rights Blog.

When he can, Daniel enjoys competitive ballroom and Latin dancing; he (less frequently) brews his own cider; and (even less frequently) officiates at rugby matches as an RFU-certified referee.

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