Daniel Isenberg



Call: 2015

E: Daniel.Isenberg@11kbw.com
T: +44 (0)20 7632 8500

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

He is ranked in the Legal 500 for employment law, and in Chambers and Partners in administrative and public and data protection law. Daniel has also been appointed to the Equality and Human Rights Commission's B Panel of Counsel.

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.

> ***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.***
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Expertise

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 instructions include:

- As sole counsel, successfully defending a leading university and individual academics in claims of race-related harassment, discrimination and victimisation following a six-day trial.
- Arbitration proceedings in a team move case for an international law firm.

Daniel has developed particular expertise in state immunity matters before the Employment Tribunal, 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 B Panel of Counsel.

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.

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.

Achievements

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.

Daniel is currently enjoying the unexpected meteoric rise of Nottingham Forest.

> ***He has very, very good drafting skills.***
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> CHAMBERS & PARTNERS

> ***He is an excellent advocate who is robust and commercial.***
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> ***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.***
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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

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