Daniel Isenberg



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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.

> ***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

Expertise

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.

Current and recent instructions include:

- Acting in a breach of directors' duties, conspiracy and restitution claim brought by a public company against both a former director and one of its shareholders.
- Acting as sole counsel for a former CEO in contractual claims against a publicly-listed company.
- Acting for an individual defendant in multi-party conspiracy and breach of duty claim brought by a publicly-listed company.
- Advising a solicitor in relation to a contentious exit from a firm, including in relation to the scope and applicability of various covenants.
- Arbitration proceedings in a team move case for an international law firm.

Stobart Group Ltd v Tinkler

[2019] EWHC 258 (COMM)

concerning an executive director's breach of his fiduciary and contractual duties.

Abramovich v Hoffmann

(CHD)

a high-profile claim for breaches of fiduciary and contractual duties, and for restitution of tax liability paid to HMRC.

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.

Civil Fraud

Daniel's practice frequently involves cases engaging fraud and allegations of dishonesty. Current and recent instructions include:

- Advising a company in respect of forged energy contracts purportedly taken out in its name.
- Advising a company in relation to a 'business email compromise' incident (email fraud) which led to payments owing to it instead being made to third-party fraudsters.
- Acting for a shareholder in fraudulent misrepresentation claims concerning investments made in the energy and mining sector.
- Acting for multiple defendants in deceit, conspiracy and inducement of breach of contract claims for over €1.4 billion concerning trades in medium term notes.

Tinkler v Esken

[2022] EWHC 1375 (CH)

successfully defending a claim to set aside a High Court judgment for fraud (including before the Court of Appeal [2023] Ch 451).

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.

Public & Human Rights

Daniel recently appeared in the Supreme Court in the leading case on the approach under the European Union (Withdrawal) Act 2018 to claims where the underlying cause of action accrued prior to Brexit: ***Lipton v BA Cityflyer Ltd*** [2024] UKSC 24.

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.

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 also acted for the successful defendant in ***R (Schofield) v Secretary of State for the Home Department*** [2021] EWHC 902 (Admin), 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. 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 advised clients on matters concerning RIPA and online monitoring, as well as the National Security and Investment Act 2021. He also acts before the Employment Tribunal in national security proceedings under Rule 93.

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.

> ***Daniel is an incredibly bright and robust advocate. He always goes above and beyond.***
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R (the3Million Limited & ors) v Minister for the Cabinet Office

[2021 EWHC 245 (ADMIN)]

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.

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.

John's Campaign Judicial Review

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

Public International

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 a number of the leading recent cases on questions of immunity, including:

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.

He has also been instructed in proceedings before the Supreme Court of the British Indian Ocean Territory (Diego Garcia).

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)

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).

Data Protection, Media & Privacy

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 acted 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.

In addition to a number of ongoing large-scale data breach instructions.

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

FKJ v RVT

a misuse of private information claim concerning allegations of unlawful access to a junior employee's WhatsApp account and counterclaims of malicious prosecution

FKJ v RVT

Significant WhatsApp hacking allegations and counterclaims for malicious prosecution

RTM v Bonne Terre Ltd & Hestview Ltd

[2025] EWHC 111 (KB)

regarding the lawfulness of data processing, in particular concerning marketing and profiling, by a betting and gambling company in relation to a customer who considered himself to have a gambling addiction.

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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> 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.***
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> CHAMBERS & PARTNERS

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

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