



## Eleena Misra



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### Profile

Eleena is a leading Employment & Equalities and Professional Discipline & Regulation barrister acknowledged in the directories as having *“developed a strong reputation for handling employment disputes that require specialist knowledge of either the education or healthcare sector”* (Chambers & Partners). In addition, she spent the first fifteen years of practice undertaking Commercial Law which places her in a unique position in relation to both private and public sector employers, with a substantial expertise and strategic nous in each.

She is ranked as a leader in both of her principal practice areas, which are complementary to each other and to the high-quality Public Law work which Eleena also undertakes.

Eleena regularly appears in Tribunals and in the High Court including at appellate level having been described as:

*“An excellent written and oral advocate”* (Legal 500)

*“Extremely clever and robust, and extremely thorough.”* (Chambers & Partners)

*“A very logical and methodical barrister who provides excellent advice, both legal and strategic.”* (Chambers & Partners)

Eleena was at Littleton Chambers from 2001 to 2017 during which time she founded and headed up the Professional Discipline & Regulation Group. She moved to Old Square in April 2017 and became an active member of its healthcare team in particular.

In a market crowded with barristers, clients have said, time and again, that Eleena’s strength is her nuanced understanding of how best to apply intelligent solutions to essentially human problems. This depends on careful legal analysis and a way of dealing with parties, clients and witnesses which is borne of years of experience. Clients who regularly seek her advice or advocacy skills span the full range from City banks to public sector organisations, including the NHS and universities, from Formula One media personalities to charities. Indeed, many of her high-profile cases stay out of court (and the press) altogether because of the careful and strategic advice she has given at an early stage, thereby also saving costs. This means that Eleena is chosen because of what she does and how she does it and not just on the basis of her client base; she has resisted being pigeon-holed as a public or private sector barrister and uses her experience of acting for both as well as being advocate for claimants and defendants alike to great tactical advantage.

Eleena is known for her ability to assimilate complex material swiftly and to provide strategic and commercially astute advice. Highly approachable and hands-on, Eleena is valued by solicitors for her calm approach to even the most time pressured and stressful litigation, including short notice injunctions, as well as sensitive client handling skills. At these stressful times, the directories note that she:



*“Works tirelessly, quickly grasps the key issues in a case and has a fantastic client manner.”* (Legal 500).

Eleena has breadth and depth of expertise in cases with a medical dimension, having acted for numerous health practitioners, the NHS and associated agencies. These cases have included CESR applications and appeals, fitness to practise concerns, injunctions, actions in the QBD and judicial review.

Eleena is equally at home with cases which have a commercial angle, including business information protection or team move cases, having obtained and defended a high number of applications for injunctions in this field of law for many years.

She has an especial interest in public procurement and the regulation of pay. Recent lectures include 'Procurement Issues for General Practice Providers' and 'City Pay: Deferred Remuneration and CRDIV'.

When time permits, Eleena offers lectures and training in all major areas of employment law including discrimination, breach of contract, whistleblowing and injunctions.

She is a co-author of Blackstones' Employment Law Practice (OUP 2020) as well as having written for and contributed to several leading texts over the years, including Atkins on Equal Opportunities and Employment.

Outside of work, Eleena can be found enjoying time with her young family, travelling, supporting and participating in the performing arts and working on projects close to her heart.

Eleena speaks French and Oriya and has a working understanding of Hindi.

### **Appointments & Other**

- Eleena is Vice-Chair of the Law Reform Committee of the Bar Council.
- Eleena is an Advocacy Trainer for Middle Temple and Bar Mentor, as well as a qualified Pupil Supervisor.
- Over several years, Eleena has been an author of Blackstones' Employment Law Practice (OUP).
- Eleena founded the first female barristers' Lean In Circle in the country and is active on numerous equality and diversity projects.

## **Recent and current work**

- *Union v Department of Education* – Eleena was recently instructed on behalf of a teaching union in relation to the re-opening of schools during the Covid-19 pandemic (led by **Ben Cooper QC**)
- *R(Adiatu) v Her Majesty's Treasury* [2020] EWHC 1554 (Admin).
- Instructed by the IWGB in public law challenge to the Government over 'Brexit' in 2019 and in relation to SSP and the Job Retention Scheme during Covid-19 pandemic 2020 (led by **Ben Collins QC**);
- Investigations into alleged sexual misconduct, discrimination and victimisation at 'A Bank', within 'A Regulator' and within 'A Charity' (Employment & Equalities, HR Support and Professional Discipline / Regulation);
- Multiple higher-education sexual violence disciplinary cases (Professional Discipline / Education)
- Acting for HFEA in confidential and closed hearings (Professional Discipline / Health / Regulation / Public Law)
- Acting for Claimant in case against well known 'Law Firm X' and high-profile legal personalities which was settled on confidential terms, but which involved extremely serious allegations of sex and disability discrimination and was linked to a whistleblowing challenge brought by another individual in the legal profession.
- Leading the working group of the Bar Council in liaison with the Law Commission on reforming Surrogacy Law (Professional Discipline / Regulation);
- Instructed by a group of doctors in large pay dispute in Northern Ireland;
- *Agarwal v Cardiff University & Anor* (2019) ICR 433; (2018) Court of Appeal (led by **Mark Sutton QC** in a key case on ERA 1996)
- *Roche v WNS Global* (2018) Court of Appeal (led by Suzanne McKie QC, but unable to attend hearing due to maternity leave therefore colleague **Deshpal Panesar QC** appeared for the successful Respondent).
- *Sivanandan v IPCC and Penna – ET, EAT, CA* (2016 to 2017) (Ongoing high-profile discrimination matter in which Eleena



- acted for the IPCC as then was, successfully, in the ET, EAT and on appeal to the CA);
- Acting for the HFEA in *P and Others* (Human Fertilisation And Embryology Act 2008) (No 2) [2017] EWHC 2532 (Fam).
  - Instructed by '*Clients X, Y, Z*' in relation to equality claims against well-known ballet schools.