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## DANIEL NORTHALL

Call: 2004



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Daniel Northall has developed an enviable reputation as an advocate and adviser in his core practice areas of employment law and commercial litigation.

He has been praised by clients and commentators alike for his keen analytical skills, developed legal knowledge, pragmatism and client-friendly manner.

Daniel entered the legal directories after only his second year of practice and has been a regular fixture since. He has variously been described as "**incredibly hard working**", a "**rising star**", giving a "**first class performance in every case**", having an "**ability beyond his years**", offering "**strong intellectual analysis and pragmatic advice**" and "**excellent advocacy**" in addition to being "**very user-friendly and very popular**".

His practice has developed into areas of increasing complexity and value. He is now regularly instructed as sole counsel on multi-day litigation in the Employment Tribunal, County Court and High Court, in addition to appeals to the superior courts.

See the individual tabs below for further details of his areas of expertise.

Daniel was appointed Treasury Counsel in November 2012 for a term of 5 years.

Daniel appreciates that a successful outcome is usually due in no small part to hard work and a willingness and ability to work as part of a team with professional and lay clients. He provides a focused yet thorough approach whilst maintaining a down to earth and professional service.

### High Court Employment

Daniel has significant expertise in High Court litigation arising out of the employment relationship, including claims for unpaid bonus, commission and wrongful termination. He also has broad experience of business protection issues, including the enforcement of restrictive covenants, team moves, breach of confidence and breach of fiduciary duty.

Daniel is acutely aware that time is often of the essence in these matters. He is able to provide commercially sensible and tactically astute advice on short notice as the circumstances demand, either by telephone or in person.

Daniel is a recognized "team player" and easily integrates into large litigation teams including leading counsel.

Past instructions include:

- Representing a senior executive in a multi-million pound High Court claim alleging wrongful dismissal and seeking significant sums by way of unpaid bonus.
- Advising and representing a former Commercial Director of a high profile media company in respect of claims for breach of contract and his defence to a counterclaim alleging breaches of his fiduciary duties.
- Advising a board of directors on its power to suspend or remove a former Chief Executive following his failure to transfer shares to a new investor in breach of contract and in breach of his fiduciary duties. The advice included the options available in bringing and/or resisting interim injunctive relief proceedings.

## Statutory Employment

Daniel provides a full range of advisory, drafting and advocacy services across all stages of litigation. He normally acts for medium to large businesses, executives, public sector bodies and Government departments. He is particularly noted for his forensic skills and his ability to cut through litigation which is information heavy.

Instructions within the past 12 months have included:

- Representing a Managing Director of a major European bank in relation to multi-million pound claims of whistleblowing, race discrimination and unfair dismissal.
- Representing a firm of solicitors in response to claims brought by a former partner of the firm in connection with the termination of his Directorship and subsequent performance management.
- Advising an NHS Trust on the contractual effect of its absence management procedures against a background of threatened industrial action by various trades unions.
- Representing a recruitment business in only the second set of Tribunal proceedings to consider the requirements of contracts of employment under Regulation 10 of the Agency Workers Regulations 2010 (so-called Swedish derogation contracts);
- Representing a major sportswear manufacturer regarding TUPE claims arising out of it taking certain packaging services back in-house;
- Representing a national airline following the dismissal of an employee who was seriously injured at work following his own breaches of health and safety.
- Advising a major media distributor on its contractual arrangements for delivery drivers and the possible implications of the national minimum wage legislation.
- Representing a nationally recognised charity in connection with the dismissal of its Chief Executive.
- Representing a national telecommunications and media provider in response to claims of associative disability discrimination brought by a current employee.
- Representing a NHS trust in response to multiple claims of sexual harassment and sex discrimination brought by a current employee.

## Employment Appeals

Daniel has a busy appellate practice. His appellate cases have included the following:

- ***Barnett v Performance Car Hire Ltd*** (2014) UKEAT/0050/13/SM (concerning the Tribunal's approach to employment status).
- ***Wincanton v Stone*** [2013] IRLR 178 (now a leading authority on the Tribunal's approach to earlier disciplinary sanctions in claims of unfair dismissal).
- ***Felstead v Wincanton*** (unreported) EAT (which considered the Tribunal's approach to the issue of reasonableness in a claim of unfair dismissal).

- **Reed in Partnership v Fraine** UKEAT/0520/10/DA (which considered the discretion to extend time for presenting claims of unfair dismissal).
- **Dunn v Institute of Cemetery and Crematorium Management** [2012] ICR 941 (a mould breaking decision on marital status discrimination, since reined back in by a further division of the EAT in *Hawkins v Atex*).
- **Parker v Northumbrian Water** [2011] IRLR 652 EAT (an appeal considering the doctrines of estoppel and abuse of process in Employment Tribunal proceedings).
- **Garratt v Mirror Group Newspapers Ltd** [2011] IRLR 591 CA (an appeal involving the incorporation of terms into contracts of employment in which Daniel was led by Clive Freedman QC).
- **Wacha v Lewis** (debarred) and another - [2010] All ER (D) 70 (Apr) EAT (concerning the application of the old statutory dismissal and disciplinary procedures).
- **Mackenzie v Billing Aquadrome Ltd** [2008] All ER (D) 161 (Aug) EAT (which considered the principles of constructive dismissal).
- **Lindley v Perrys Motor Sales Ltd** [2008] All ER (D) 32 EAT (which involved a novel point of interpretation under Regulation 4 of TUPE.).
- **Wiggan v Wooler & Co Ltd** [2007] All ER (D) 60 (Jul) EAT (an appeal considering submissions of 'no case to answer')

## Commercial

Daniel's commercial practice covers a broad range of business related contentious work, including:

- Disputes between directors and senior employees
- Shareholder disputes and s.994 petitions
- Contractual disputes
- Commercial fraud
- Corporate and personal insolvency
- Partnerships, including LLPs

Recent instructions have included:

- Advising a company in the care sector on B2B litigation arising from the historic non-payment of fees due to a service provider's alleged misrepresentation and fundamental breaches of contract.
- Advising a former President of Lehman Brothers on her entitlement under the Insolvency Rules to pursue unpaid contractual amounts against a range of companies within the Lehman group.
- Successfully representing an individual in her defence against a claim for significant unpaid professional fees on the ground that a personal guarantee signed by her was procured by undue influence.

## Sports

Daniel has undertaken a number of high profile sports related instructions, including:

- assisting in the representation of a Championship football manager in disciplinary proceedings brought against him by his then club;
- representing a rugby club in the Aviva Premiership in response to claims of disability discrimination, breach of contract and unfair dismissal brought by a former player; and
- representing a director of a Premier League club in respect of claims of unfair dismissal and breach of contract.

Daniel is a devout supporter of Wolverhampton Wanderers, arguably the antithesis of glory hunting.

## Education

MA (Law), Trinity Hall, University of Cambridge