
ELEENA MISRA

Call: 2001



PRACTICE PROFILE

Eleena Misra specialises in employment, general commercial litigation and disciplinary work. She has broad and in depth expertise in dealing with complex disputes in both the private and public sector. She has been instructed on several judicial reviews for public sector bodies, especially in the field of education.

Eleena has a particular expertise and experience in cases with a medical dimension, having acted for numerous NHS Trusts, doctors, midwives and other health practitioners. These cases have ranged from specialist tribunals and panels (such as the Postgraduate Medical and Postgraduate Training Board and General Medical Council) to High Court actions, restraining the dismissal or suspension of consultants, internal disciplinary and grievance hearings and judicial review. Eleena has recently completed a Diploma course in Forensic Medical Sciences in furtherance of her medico-legal interests.

In the private sector, Eleena has provided advice to professionals, companies and firms negotiating difficult staff and business transitions in the current economic climate. Clients have ranged from well known sports and media personalities to multinational corporations and banking institutions. Public sector clients include the police, local authorities and Primary Care Trusts.

Eleena is known for her ability to assimilate complex material swiftly and provide strategic and commercial 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.

Eleena is the author of Procedure in Civil Courts and Tribunals (Wildys 2010). She is co-author of Atkins on Employment and Atkins on Equal Opportunities as well as having collaborated with fellow members of chambers on eminent works such as Blackstone's Employment Law Practice, and Employment Covenants & Confidential Information (Selwyn Bloch QC and Kate Brearley). Eleena lectures and delivers training regularly.

EMPLOYMENT LAW

Eleena is an employment specialist with wide and in depth litigation and advisory expertise in all aspects of employment law as complemented by her other practice disciplines. She is regularly instructed by the leading law firms in this area and has been selected to deal with high value, highly confidential and high profile litigation and internal investigations on several occasions.

In the last 12 months Eleena's work has included the following examples within her busy employment practice:

- Novel case concerning the meaning of "election" in the context of TULRCA 1992;
- Strategic advice and guidance to law firms on their own redundancy exercises and associated contractual agreements;
- Injunctions for and against NHS Trusts concerning the suspension of doctors from clinical and/or non clinical duties ("Mezey" type cases);
- Long running discrimination claims in the financial services sector (age, race, sex, disability and part time work) interwoven with claims concerning protected disclosures, TUPE and dismissals;
- Interim relief cases under ERA 1996.

Eleena has been representing both Claimants and Respondents in unfair dismissal and wrongful dismissal cases for many years now and has been instructed in cases which have tested the limits of known authority in these areas e.g. Hardy v Polk (Leeds) Limited [2004] IRLR 420 and Ganatra v. LNBIE Limited [2004] All ER (D) 63. She has in depth knowledge of the more complex aspects of dismissals involving TUPE transfers, discrimination, protected disclosures, trade unions and multiple litigants.

Eleena is a dedicated employment adviser to the Bar's Law Reform Committee as well as having authored and co-authored several leading texts in this field. Eleena is a consultant editor for Bath Publishing and regularly delivers lectures and training on all aspects of employment law.

INJUNCTIONS

Eleena is regularly instructed by leading solicitors' firms to act for applicants and respondents in cases calling for urgent interim relief. Eleena accepts instructions for both led and independent work in this field. She is particularly experienced in cases involving:

- Confidential information, restrictive covenants and team moves;
- Doctors and medical professionals (including "Mezey" type injunctions);
- Universities;
- Sports moves.

In the last ten years, Eleena has covered a range of industries, professions and subjects in the High Court. Ranging from animal rights activism to Formula 1, footballers and surgeons, Eleena brings the same robust and calm approach to injunctions.

Eleena's general commercial litigation practice is also diverse when it comes to subject matter. For example, Eleena has been instructed to act for a claimant in the recovery of an unlawfully converted high end sports vehicle and to defend a number of higher education institutions in claims for the recovery of fees. Recently, Eleena acted for the successful bookmaker against a well known football agent and 'punter' obtaining substantial damages for unpaid bets. Eleena is often instructed in high value disputes with both contractual and tortious components as well as professional negligence. Eleena has appeared as counsel in commercial mediations in addition to assisting other members with arbitration talks and lectures.

MEDICOLEGAL

At home with the language, science and culture of the medical world, Eleena keeps abreast of developments in the medical world on a regular basis and has a sound basic understanding of medical and surgical concepts and terminology gleaned from her exposure to these cases and a medical family background.

Eleena has recently completed her Diploma course in Forensic Medical Sciences in London (Barts/QMUL), whilst maintaining full time practice. Eleena is contemplating further medico-legal study in furtherance on this practice area and academic interest.

Eleena's expertise in employment law often dovetails with her expertise in disciplinary work and knowledge of medical issues such that clients come to her for advice and representation where litigation in a variety of forums is envisaged (e.g. injunction/judicial review/GMC and Tribunal). Examples:

- Acting for an NHS Trust in an application for an injunction brought by a surgeon accused of serious clinical negligence and causing or contributing to patient deaths;
- Advising a Trust on the human rights issues involved in applying policies concerning the funding of surgery for certain sectors of society;
- Acting for a Consultant seeking specific performance of his contract of employment against a Trust in High Court proceedings;
- Acting for a Consultant in extended whistleblowing claim;
- Acting for Trusts and doctors in local and national pay (scale) disputes.

MEDICAL / DISCIPLINARY

Previously seconded to Mills & Reeve Healthcare Department, Eleena is currently studying a Diploma in Forensic Medical Sciences with Barts/Cameron Institute of Forensic Medical Sciences. Her expertise includes:

- PMETB appeals for Specialist Registrars.
- GMC and NMC disciplinary and related work.
- Suspension and dismissals of consultants.
- NHS investigations.
- Police Disciplinary.
- University appeals and reviews concerning exclusions, expulsions and DDA issues in particular.
- Multi-strand litigation (e.g. injunction/GMC/Judicial Review/Employment Tribunal)
- Judicial Review – in particular art. 6 and art.8 ECHR issues.
- Pay structure/scale disputes (including union disputes);
- Internal disciplinary and grievance cases.

Examples:

- Acted for the Chief Constable of North Yorkshire in 2011 in widely publicised disciplinary proceedings concerning the first misconduct hearing of a CC in over 30 years;
- Acting as management case 'prosecutor' in internal disciplinary proceedings against a fire fighter;
- Acting for doctor in an Interim Orders Panel hearing in GMC proceedings;
- Acting for a local authority in proceedings associated with the removal of the most senior personnel;
- Investigating serious allegations of sexual misconduct in the private and public sector.

For a fuller summary of all practice areas please see: www.littletonchambers.com

COMMERCIAL / INJUNCTIONS

County Court, Queen's Bench and Chancery Division applications and trials primarily concerning large scale or high value contractual disputes in the financial, banking and I.T sectors.

Injunctive relief (applications, speedy trials and defending) including work for banking institutions, sports personalities, recruitment agencies, and media companies and cases concerning animal rights activism and health care trusts.

Eleena has extensive experience of injunctions concerning doctors.

PUBLICATIONS / AUTHOR CONTRIBUTIONS

Co-author of Atkins on Employment and Atkins on Equal Opportunities as well as having collaborated with fellow members of chambers and contributed to Blackstone's' Employment Law Practice, Tucker & George on Discrimination, Transfer of Undertakings (Sweet & Maxwell) and the new edition of Employment Covenants & Confidential Information (Selwyn Bloch QC and Kate Brearley).

Author of Procedure in Civil Courts & Tribunals (Wildys, ed. John Bowers QC) and has contributed to the seminal publication Employment Covenants and Confidential Information 3rd Edition by Kate Brearley & Selwyn Bloch QC.

PERSONAL BACKGROUND

- Call 2001 (Middle Temple, Diplock Scholar)
- MA (Jurisprudence) Balliol College, University of Oxford
- DipFSM
- President of Oxford University Law Society (1998)
- Born and educated in North Yorkshire.
- Memberships include ELBA, ILS, COMBAR, PNBA & ADRL.
- Member of Bar Council Law Reform Committee.
- Equalities and Human Rights Commission Panel of Approved Counsel.
- Interests: theatre and travel.

PROFESSIONAL AFFILIATIONS

The Honourable Society of the Middle Temple

ELBA, COMBAR, PNBA, ELA, LCLBA

Member of the Law Reform Committee (Bar Council)

Other

- Available for lecturing, seminars and other training in all practice areas.
- Interests include theatre, writing, travel and music.