

CLLS CORPORATE CRIME AND CORRUPTION COMMITTEE MEETING

ON 20 SEPTEMBER 2011

At the offices of Kingsley Napley LLP, Knights Quarter, 14 St John's Lane,
London EC1M 4AJ at 8.30 am

ATTENDEES: Michael Caplan QC ("**MGC**") - Kingsley Napley, Chairman
Jo Rickards ("**JR**") - DLA Piper
Jonathan Pickworth ("**JP**") - Dechert
Darren Allen ("**DA**") - BLP
Roger Best ("**RB**") - Clifford Chance
Nick Benwell ("**NB**") - Simmons & Simmons
Alistair Graham ("**AG**") - White & Case
David Hobart ("**DH**") - City of London Law Society
Sarah Wallace ("**SA**") - Irwin Mitchell
Dorian Drew ("**DD**") - Norton Rose
Barry Donnelly ("**BD**") - Macfarlanes

Apologies from; Rodney Warren - Rodney Warren & Co
Louise Delahunty - Sullivan & Cromwell
Sam Eastwood - Norton Rose
Simon Joyston-Bechal - Pinsent Masons

1. MINUTES

It was agreed that the committee would publish minutes of the meetings on its website in future.

2. REPORT ON MEETING WITH DIRECTOR OF SFO

- 2.1 MGC had introduced the CCCC Committee to Richard Alderman ("**RA**") and they had discussed current topics such as Deferred Prosecution Agreements ("**DPAs**"), plea bargaining, the need for certainty in sentencing and reduction in case lengths. RA had offered to come to talk to the Committee about guidance on The Bribery Act.
- 2.2 There was a discussion about DPAs and civil recovery orders ("**CRO's**") and whether they might be replaced or limited if DPAs were introduced. The Committee was cautiously enthusiastic about DPAs and would like to know more about what is proposed.
- 2.3 RA had suggested that MGC write to the Attorney General, which MGC had now done. A positive response had been received from the Solicitor General ("**SG**") and a meeting will be arranged for MGC to meet the SG and Sue Pattern in late October. MGC will raise Contempt of Court Act issues with them.

3. RESPONSE TO TRANSFORMING THE REGULATORY ENVIRONMENT CONSULTATION

3.1 JP gave a briefing on this consultation paper to the Committee. It was decided that there was no need for us to make representations as it was not directly on point with the Committee's remit.

4. FINANCIAL CRIME - A GUIDE FOR FIRMS

4.1 RB and NB provided a briefing to the Committee on this guide and consultation. There was little that was new in it and it was a high level guide that was not actually part of, or a replacement for, the FSA statements of principle. The Committee did not feel it should make a response to this consultation and it was noted that the BBA were putting in a paper which covered many of the points that DA was concerned about.

5. PART FUNDING OF THE ECONOMIC CRIME CAPABILITY

5.1 MGC noted that this arose from a comment made by the Commissioner that firms to help pay towards the cost of policing fraud. There was no substantive proposal at this stage.

6. QASA SCHEME CONSULTATION

6.1 MGC alerted the Committee to this scheme which was under discussion at the moment with professional bodies representing barristers and solicitor advocates in the Crown Court. It may be the thin end of the wedge and affect others involved in advocacy in regulatory proceedings in due course. MGC would keep the Committee appraised of developments. DH said there was a good article by Mark Stubbs in the LSG on this issue.

7. AOB

7.1 The Committee would keep under review whether to introduce ourselves to Bernard Hogan-Howe, the new Commissioner of the Met.