

City of London Law Society – Corporate Crime and Corruption Committee

Minutes of a meeting of the Corporate Crime and Corruption Committee held at 8.30am on Monday 20 June 2016 at Reed Smith, The Broadgate Tower, 20 Primrose Street, London, EC2A 2RS

Present:

Eoin O'Shea: *Reed Smith* (Chair)

Marcus Thompson: *Ropes & Gray*

Sarah Wallace: *Irwin Mitchell*

Sam Eastwood: *Norton Rose*

Daren Allen: *Berwin Leighton Paisner*

Chris Roberts: *Mayer Brown* (in attendance for Alistair Graham)

In attendance:

Kevin Hart: *CLLS*

Laura-May Scott: *Reed Smith*

Apologies:

Stephen Gentle: *Simmons & Simmons*

Nick Benwell: *Simmons & Simmons*

Roger Best: *Clifford Chance*

Barry Vitou: *Pinsent Masons*

Louise Delahunty: *Cooley*

Simon Joyston-Bechal: *Turnstone Law*

Barry Donnelly: *Macfarlanes*

Rodney Warren: *Rodney Warren*

Nick Benwell: *Simmons & Simmons*

Alistair Graham: *Mayer Brown*

Andrew Keltie: *Baker & McKenzie*

Arnondo Chakrabarti: *Allen & Overy*

Caroline Wojtylak: *Skadden, Arps, Slate, Meagher & Flom*

Ryan Junck: *Skadden, Arps, Slate, Meagher & Flom*

Jo Rickards: *Kingsley Napley*

Jonathan Pickworth: *White & Case*

Luke Tolaini: *Clifford Chance*

Omar Qureshi: *CMS Cameron McKenna*

Raj Parker: *Freshfields*

Satinder Dogra: *Linklaters*

Satnam Tumani: *Kirkland & Ellis*

1. Minutes of the last meeting

The Minutes of the last meeting on 9 May 2016 were agreed. The Chair directed for the Minutes to be filed on the CLLS website. The Chair explained that the drafting of the Minutes was concise, summarising key points rather than providing a verbatim record of discussion. The Committee Members agreed with this approach.

2. Law Society response to a) AML and CFT legislative proposals and b) consultation on the call for information on the AML and CFT supervisory regime

The Committee Members discussed the Law Society response to a) AML and CFT legislative proposals and b) consultation on the call for information on the AML and CFT supervisory regime. Debate was had as to the role of consent in the regime and the effectiveness of the legislative proposals. It was noted that there was a view amongst the regulatory sector that consent, or a concept like it, should exist in the regime. It was noted that this Committee had not formally commented on the legislative proposals as those with relevant expertise at the Law Society had already done so.

3. IBA Anti-Corruption Conference June 2016, judicial corruption initiative

The Chair confirmed that he had attended the IBA Anti-Corruption Conference this year. The Chair passed on the key messages from a panel event with senior individuals including Daniel Khan of the Department of Justice and David Green CB QC of the Serious Fraud Office.

The Chair also noted that the IBA President, David W Rivkin, announced the launch of a new project looking into judicial corruption across the globe. The project would look at judicial culture and independence in countries where judicial corruption is prevalent. The Chair said he thought the Law Society would end up being involved and this Committee might wish to also contribute to the project.

4. ABA White Collar Crime Conference 10-11 October 2016

The Chair has been invited to speak at the ABA White Collar Crime Conference. Certain of the Committee Members confirmed they were also attending this year.

5. Revised Code of Practice, Proceeds of Crime Act 2002

The revised Code of Practice, Proceeds of Crime Act 2002 was briefly discussed. The code covers production orders, search and seizure warrants, customer information orders, account monitoring orders and disclosure orders in civil recovery investigations, disclosure orders in confiscation investigations, interviews and obtaining evidence from abroad. It was confirmed that the revised code of practice was issued on 10 June 2016 to take account of certain provisions in the Serious Crime Act 2015 (relating to orders and warrants) and the full

extension of POCA powers to Northern Ireland. It was noted that the changes were minor, but this version of the code now supersedes all previous versions.

6. Speakers: David Green CB QC – confirmed for 24 October 2016 meeting, Others

David Green CB QC of the Serious Fraud Office is scheduled to speak at the meeting on 24 October. The Chair encouraged Committee members to attend meetings, especially those where external speakers had been invited in for round-table discussions. The Chair confirmed that Chatham House rules would apply at external speaker meetings.

The Chair that confirmed he had written to Sarah Pritchard, Deputy Director of the NCA, and asked her to attend a meeting. Discussion was had as to who might be in London in October from the US Department of Justice and also might attend the Committee.

The Chair encouraged Committee Members to make suggestions for external speakers.

7. Sub-group to discuss the SFO, DPAs, cooperation, privilege, etc

The Committee countered creating a small sub-group to discuss privilege and disclosure.

The Chair had discussed the Regulatory Powers Bill with Colin Passmore and others. In the Bill, there was no exclusion for privileged material.

Marcus Thompson said that Bankim Thanki QC was producing a chapter for a book and it may be relevant to consider that.

8. Membership Proposals

The Chair reiterated the membership process for new members.

9. Date of next meeting

The date of the next meeting was confirmed: 12 September 2016. The Chair noted that, should the Government announce a consultation on section 7 of the Bribery Act in early July as anticipated, an ad-hoc meeting would be called in July specifically to deal with the consultation. Marcus Thompson said he would liaise with the Home Office to attempt to find out when the section 7 Bribery Act consultation would be issued.

10. AOB

Sarah Wallace flagged that the Serious Fraud Office had published its new operational guidance on legal advice and section 2 interviews. The Fraud Lawyers Association participated in the consultation and are reviewing the new guidance. Sarah confirmed that she would circulate further details after the meeting.

