

City of London Law Society – Corporate Crime and Corruption Committee

Minutes of a meeting of the 30 January 2018 at Reed Smith, The Broadgate Tower, 20 Primrose Street, London, EC2A 2RS

Present:

Alistair Graham: *Mayer Brown*

David Corker: *Corker Binning*

Davina Given: *RPC*

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

Jeremy Summers: *Osborne Clarke*

Nick Benwell: *Simmons & Simmons*

Omar Qureshi: *CMS Cameron McKenna* (by telephone)

Roger Best: *Clifford Chance*

Sarah Wallace: *Irwin Mitchell*

Simon Joyston-Bechal: *Turnstone Law* (by telephone)

Susannah Cogman: *Herbert Smith Freehills*

In attendance:

David Hobart: *CLLS*

Laura-May Scott: *Reed Smith*

Apologies:

Andrew Keltie: *Baker & McKenzie*

Angela Pearson: *Ashurst*

Arnondo Chakrabarti: *Allen & Overy*

Barry Donnelly: *Macfarlanes*

Barry Vitou: *Pinsent Masons*

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

Daren Allen: *Dentons UKMEA*

Kevin Hart: *CLLS*

Louise Delahunty: *Cooley*

Luke Tolaini: *Clifford Chance*

Jonathan Pickworth: *White & Case*

Marcus Thompson: *Kirkland & Ellis*

Matthew Getz: *Boies, Schiller & Flexner*

Rodney Warren: *Warren's Law and Advocacy*

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

Sam Eastwood: *Norton Rose*

Satinder Dogra: *Linklaters*

Satnam Tumani: *Kirkland & Ellis*

Stephen Gentle: *Simmons & Simmons*

Tony Woodcock: *Stephenson Harwood*

1. Apologies

The chair gave apologies for those who were not able to attend the meeting.

2. Minutes of the last meeting

The Minutes of the last meeting (12 December 2017) were approved. The Chair directed for the Minutes be filed on the CLLS website 24 hours after the meeting, providing Committee members not present with additional time to send any final comments on the draft.

3. Practice / Legal updates

The Committee discussed the SFO and the end of David Green's tenure as Director. The Committee considered the length of time SFO cases were taking from charge to trial. There was a discussion regarding the Tesco case and the original trial being halted. The Committee also considered if a DPA would be put in jeopardy as a result of an acquittal of an individual and whether the SFO should re-investigate a case at that stage.

The Committee discussed the NCA and the scope of the International Corruption Unit.

4. S.2 interview practices

The Chair explained that s.2 interview practice was a standing agenda item and he encouraged those in attendance to share (on an anonymous basis) any recent experiences of s.2 interviews and in particular any poor practices by investigators. The Committee shared stories on an anonymous basis of recent practice. The Committee also discussed the potential difficulties that can arise in relation to the undertaking required to be provided to the SFO before a s.2 interview. The Chair said that the Committee would continue to keep a watching brief on this item.

The Committee also discussed whether there was authority that tests whether a s.2 document production notice has effect outside of the UK. The Committee considered the mutual assistance route and whether a foreign enforcement body would assist.

5. Guest Speakers:

The Committee discussed potential guest speakers for 2018. The Chair said he would organise one or two guest speakers for 2018.

6. Dates for 2018 diary

The Chair reminded the Committee members present of events scheduled for 2018:

- 14 May 2018: Annual Service at St Peter ad Vincula and reception and dinner
- 18 June 2018: Annual General Meeting and Reception

7. AOB

The Committee discussed the Law Commission's 13th Programme of Law Reform launched on 14 December 2017 which contained a reference to work on the "consideration of the consent regime in sections 327 to 329 and 335 and 338 of Part 7 of the Proceeds of Crime Act 2002 ("PoCA"); and the disclosure offences in sections 330 to 333A of the Act, which raise related problems". The 13th Programme of Law Reform also set out the Law Commission's intention to examine the entire confiscation regime under Part 2 of PoCA. There was nothing further to report on these points for now but the Committee would keep a watching brief and contribute if permitted to any future consultation.