

City of London Law Society – Corporate Crime and Corruption Committee

Minutes of a meeting of the 21 April 2020, carried out remotely, via video-conference
8:30 – 9:30

Present:

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

Louise Hodges: *Kingsley Napley*

Hannah Lamming: *Peters & Peters*

Alistair Graham: *Mayer Brown*

Omar Qureshi: *CMS*

Michelle de Kluyver: *Addleshaw Goddard*

Susannah Cogman: *Herbert Smith Freehills*

Andrew Katzen: *Hickman & Rose*

Rodney Warren: *Warren's Law and Advocacy*

Matthew Getz: *Boies Schiller Flexner*

Eve Giles: *Allen & Overy*

Judith Seddon: *Ropes & Gray*

Daren Allen: *Dentons*

Neill Blundell: *Macfarlanes*

Barry Vitou: *Greenberg Traurig*

David Corker: *Corker Binning*

Simon Joytson-Bechal: *Turnstone Law*

Sarah Wallace: *Constantine Law*

Roger Best: *Clifford Chance*

Stephen Gentle: *Simmons & Simmons*

Tom Epps: *Cooley*

Jeremy Summers: *Osborne Clarke*

Louise Delahunty: *McCann Fitzgerald*

In attendance:

Kevin Hart: *CLLS*

David Hobart: *CLLS*

Emma Shafton: *Reed Smith*

1. Apologies for absence

The Chair mentioned apologies received for non-attendance from several members.

2. Minutes of last meeting

Amendments were proposed to the minutes of the last meeting (2 March 2020) by those in attendance and then approved. The Chair directed that the approved minutes be filed on the CLLS website 24 hours after the meeting, subject to Committee members sending any final comments on the draft.

3. Pre-Interview Disclosure & Interview Practices

The issue remains on the Committee's agenda, however it was noted that the SFO was experiencing considerable disruption to their operations as a result of the Covid-19 pandemic. The matter will be resumed when possible.

4. Practice/Legal Updates

The Committee discussed recent difficulties in dealing with the SFO during the pandemic, in particular as regards the sharing of documents and the cancellation of interviews. There was widespread concern about apparent delays and many reported frustrating interactions while the organisation tried to adapt to remote working. The SFO has referred to Cabinet Office guidance restricting the ability to use file sharing software or encrypted USBs.

Committee members also discussed frustrating delays within the police as regards service of evidence. All financial crime matters seem to be on hold.

As regards police station interviews, Committee members observed a varied approach between forces. Several committee members expressed concern about the lack of personal protective equipment (PPE) at some police stations and the lack of adherence to social distancing measures. Others noted that some police stations were effectively facilitating the provision of legal advice via Zoom, which while a good solution in the short-term, did raise security and confidentiality issues. Such flexibility had not been seen from the SFO. There is a National Police College protocol for interviews, which should be followed.

The Committee's experience of the Business and Property Courts was positive. It is very much business as usual.

Some Crown Courts were functioning well conducting sentencing hearings via Skype, while other struggled to arrange even a telephone hearing. A Committee member reported a concerning occasion where they were informed that there were insufficient telephone lines for defendants to attend a Plea and Trial Preparation Hearing (PTPH).

5. Law Society, Criminal Law Committee Liaison

The Committee discussed the plight of the junior criminal bar and the crisis faced by the criminal justice system. It was agreed that this committee should be supportive of the Law Societies' efforts in this regard.

6. Upcoming Legislation and Consultations

Some Committee members are preparing a White Paper regarding the US-UK Bilateral Data Sharing Agreement in lieu of any current guidance as to how the new regime will work in practice.

7. External Guest Speakers

The Chair was hopeful that Sir Nick Green of the Law Commission would come to speak to the Committee this year. The Chair has also extended an invitation to Lisa Osofsky of the SFO. Committee members suggested Lynne Owens, Director General of the National Crime Agency, Professor Mike Levy and former Barclays executive David Boath. Committee members are free to suggest other speakers.

8. AOB

Committee members noted that the financial shock brought about as a result of the pandemic felt very different to the last in 2007-2008. Many commentators were predicting a rise in fraud.

The Committee were informed about a City initiative to use 3D printers to manufacture PPE. Details were circulated.

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