

## **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 12 September 2016 at Reed Smith, The Broadgate Tower, 20  
Primrose Street, London, EC2A 2RS

### **Present:**

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

Sam Eastwood: *Norton Rose*

Barry Vitou: *Pinsent Masons*

Omar Qureshi: *CMS Cameron McKenna*

Simon Joyston-Bechal: *Turnstone Law*

Stephen Gentle: *Simmons & Simmons*

### **In attendance:**

David Hobart: *CLLS*

Laura-May Scott: *Reed Smith*

### **Apologies:**

Daren Allen: *Dentons UKMEA LLP*

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

Sarah Wallace: *Irwin Mitchell*

Marcus Thompson: *Ropes & Gray*

Nick Benwell: *Simmons & Simmons*

Roger Best: *Clifford Chance*

Louise Delahunty: *Cooley*

Barry Donnelly: *Macfarlanes*

Rodney Warren: *Rodney Warren*

Alistair Graham: *Mayer Brown*

Andrew Keltie: *Baker & McKenzie*

Arnondo Chakrabarti: *Allen & Overy*

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

Jo Rickards: *Kingsley Napley*

Jonathan Pickworth: *White & Case*

Luke Tolaini: *Clifford Chance*

Raj Parker: *Freshfields*

Satinder Dogra: *Linklaters*

Satnam Tumani: *Kirkland & Ellis*

Tony Woodcock: *Stephenson Harwood*

## **1. Apologies for absence**

The Chair confirmed the apologies he had received.

## **2. Minutes of the last meeting**

It was agreed that the Minutes of the last meeting on 20 June would be circulated and, subject to any amendments received, filed on the CLLS website.

## **3. Proposed Legislative Reforms / Consultations**

The soon to be released consultation on corporate criminal liability/section 7 of the Bribery Act was discussed. The Chair highlighted the recent speech given by Attorney General Jeremy Wright at the Cambridge Symposium on Economic Crime. The Attorney General reignited the consultation and said that, "*the Government remains committed to tackling economic crime and corruption in all its forms.*"

It was agreed that the Committee should consider making a short statement on the subject of the upcoming consultation. There was a discussion and it was agreed that a defence of having 'adequate procedures' was important to any offence involving vicarious liability of companies and that any new legislation should be supplemented by detailed guidance from the Ministry of Justice.

## **4. Brexit Effects: Corporate Crime and Corruption**

The impact of Brexit on corporate crime and corruption was discussed. David Hobart explained that other of the CLLS committees had done produced summaries of the potential effects on their practice-areas and he would forward examples to the Chair.

## **5. Other Recent decisions / policy announcements**

There was a discussion regarding the recent *XYZ* judgment in which the SFO obtained the second Deferred Prosecution Agreement since the legislation was introduced. The Committee discussed the difference in the approach and outcome of the *Standard Bank* case compared to the *XYZ* case.

## **6. Privilege in Investigations**

There was a brief discussion of privilege in interview notes.

## **7. Future Speakers**

The Chair was in contact with Sarah Pritchard of the NCA for the meeting on 5 December. The Chair reminded the Committee that the date of the next meeting was 24 October 2016 and David Green QC of the SFO would be attending. The Chair encouraged committee members to attend.

## **8. Membership Proposals**

The Chair proposed that Davina Given of RPC become a member of the Committee. David Hobart explained the process for signing up new members and said he would email the Chair regarding the same.

## **9. AOB**

Sam Eastwood mentioned the OECD's Working Group on Bribery which has launched an on-line consultation on the liability of legal persons/corporate liability. Sam said he would circulate an email to the Chair.

There was a general discussion as to the role of accountancy firms in fraud/corporate crime investigations.