

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 Tuesday 31 January 2017 at Reed Smith, The Broadgate Tower, 20 Primrose Street, London, EC2A 2RS

Present:

Eoin O'Shea: *Reed Smith* (Chair)
Barry Donnelly: *Macfarlanes*
Barry Vitou: *Pinsent Masons*
Davina Given: *RPC*
Louise Delahunty: *Cooley*
Marcus Thompson: *Ropes & Gray*
Rodney Warren: *Rodney Warren*
Roger Best: *Clifford Chance*
Sam Eastwood: *Norton Rose*
Sarah Wallace: *Irwin Mitchell*
Stephen Gentle: *Simmons & Simmons*

In attendance:

David Hobart: *CLLS*
Kevin Hart: *CLLS*
Laura-May Scott: *Reed Smith*

Apologies:

Alistair Graham: *Mayer Brown*
Andrew Keltie: *Baker & McKenzie*
Arnondo Chakrabarti: *Allen & Overy*
Caroline Wojtylak: *Skadden, Arps, Slate, Meagher & Flom*
Daren Allen: *Dentons*
Jo Rickards: *Kingsley Napley*
Jonathan Pickworth: *White & Case*
Liz Thomas: *CLLS*
Luke Tolaini: *Clifford Chance*
Nick Benwell: *Simmons & Simmons*
Omar Qureshi: *CMS Cameron McKenna*
Ryal Junck: *Skadden, Arps, Slate, Meagher & Flom*
Satinder Dogra: *Linklaters*
Satnam Tumani: *Kirkland & Ellis*
Simon Joyston-Bechal: *Turnstone Law*
Tony Woodcock: *Stephenson Harwood*

1. Minutes of the last meeting

The Minutes of the last meeting (5 December 2016) were approved. The Chair directed for the Minutes to be filed on the CLLS website.

2. Section 2 Interviews: Correspondence with the Serious Fraud Office

The Chair described the status of the correspondence with the SFO. It was agreed that there was nothing further for the Committee to respond to the SFO on. The Committee agreed to continue the discussion on this topic at Committee meetings.

3. Consultation on Section 7 of the Bribery Act 2010 – corporate liability for economic crime (consultation deadline: 24 March 2017)

There was discussion regarding the Corporate Liability for Economic Crime ‘Call for Evidence’. It was agreed that certain of the Committee Members would begin a first draft of a response on behalf of the Committee. That draft would then be discussed and input would be provided by the other Committee Members at the next Committee meeting on 14 March 2017.

4. Recent developments / decisions / policy announcements

The Rolls Royce Deferred Prosecution Agreement (DPA) was briefly discussed. The Committee considered the SFO’s focus on cooperation and the implications of the SFO’s use of DPAs. There was also a discussion as to the concept of identifying the ‘victims’ of fraud, the approach the FCA takes to third party rights and compensation being awarded by the criminal courts.

5. Membership proposals

The Committee Members discussed the applicants for the membership vacancy. A vote was undertaken and it was agreed that Susannah Cogman of Herbert Smith Freehills, David Corker of Corker Binning and Angela Pearson of Ashurst should be appointed as members of the Committee.

6. External speakers for 2017

There was discussion as to the external speakers that the Committee should invite to speak at the Committee meetings in 2017. The Chair said that he would collate a list of the speakers discussed and send letters inviting each of them to attend one of the Committee meetings.