

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 20 June 2017 at Reed Smith, The Broadgate Tower, 20 Primrose Street, London, EC2A 2RS

Present:

Eoin O'Shea: *Reed Smith* (Chair)
Angela Pearson: *Ashurst*
Barry Donnelly: *Macfarlanes*
Davina Given: *RPC*
Omar Qureshi: *CMS Cameron McKenna*
Rodney Warren: *Warren's Law and Advocacy*
Susannah Cogman: *Herbert Smith Freehills*

In attendance:

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

Apologies:

Alistair Graham: *Mayer Brown*
Andrew Keltie: *Baker & McKenzie*
Arnono Chakrabarti: *Allen & Overy*
Barry Vitou: *Pinsent Masons*
Caroline Wojtylak: *Skadden, Arps, Slate, Meagher & Flom*
Daren Allen: *Dentons UKMEA*
David Corker: *Corker Binning*
Jonathan Pickworth: *White & Case*
Kevin Hart: *CLLS*
Liz Thomas: *CLLS*
Louise Delahunty: *Cooley*
Luke Tolaini: *Clifford Chance*
Marcus Thompson: *Ropes & Gray*
Nick Benwell: *Simmons & Simmons*
Roger Best: *Clifford Chance*
Ryan Junck: *Skadden, Arps, Slate, Meagher & Flom*
Sam Eastwood: *Norton Rose*
Sarah Wallace: *Irwin Mitchell*
Satinder Dogra: *Linklaters*
Satnam Tumani: *Kirkland & Ellis*
Simon Joyston-Bechal: *Turnstone Law*
Stephen Gentle: *Simmons & Simmons*
Tony Woodcock: *Stephenson Harwood*

1. Apologies for absence

The Chair gave apologies on behalf of those who could not attend.

2. Minutes of last meeting

The Minutes of the last meeting (25 April 2017) were approved in principle by those in attendance at the meeting. In light of the limited attendees, the Chair directed that the Minutes be re-circulated to all of the Committee via email and sent for filing on the CLLS website 24 hours later, providing Committee members had no amendments.

3. Advice to clients about conducting internal investigations (in particular witness interviews) in light of the recent RBS litigation case and SFO v ENRC

There was discussion regarding the first-instance judgment in the *SFO v ENRC* case. The Committee discussed the scope of privilege and concerns regarding privilege over witness interview notes.

The Committee discussed the various techniques employed to at least attempt to ensure that privilege can be claimed over witness interview notes. The Committee shared experiences of the approach taken by regulators in relation to privilege over interview notes. The difference in the approach taken in criminal law cases compared to civil law cases was discussed. Those present agreed that it would be opportune for the courts to have the benefit from a fully argued appeal on the issue of privilege in materials generated in bribery and other investigations.

The Chair and certain members of the Committee discussed other Committees, both at the CLLS, the Law Society and the Bar Council, that may be willing to provide additional commentary/discuss the issue of privilege in interview notes.

4. Future of the SFO – policy response

There was a discussion of the future of the SFO in light of the Conservative manifesto. The view of the Committee was that the situation was fast-moving and the CLLS should not take a public position unless and until any alternatives were clearer. The Chair noted that this item would be kept under review but for now no policy response would be provided.

5. FLA meeting: remarks of Leveson LJ re DPAs

There was a discussion regarding the recent remarks of Leveson LJ regarding DPAs at the Fraud Lawyers Association conference.

6. Practice / Legal updates

The Committee discussed the case of *NCA v N* and the powers of the NCA.

The Committee briefly discussed Office for Professional Body Anti-Money Laundering Supervision and the new fining powers that they will be able to exercise.

7. Reminder: Dominic Grieve QC MP attending Committee meeting on 19 September 2017

The Chair reiterated that Dominic Grieve QC MP had confirmed his attendance as external guest speaker at the Committee meeting on 19 September 2017. The Chair requested good attendance from the members of the Committee on 19 September.

8. AOB

There was a brief discussion regarding external speakers and that at least one member vacancy be advertised after the summer break.

It was agreed that dial-in details should be provided for the Committee meetings, to allow those who cannot attend in person to dial-in by telephone.

David Hobart reminded the Committee of an event being held at the Rolls Building on 4 July 2017.