

## **City of London Law Society – Corporate Crime and Corruption Committee**

Minutes of a meeting of the 16 July 2019 at Reed Smith, The Broadgate Tower, 20 Primrose Street, London, EC2A 2RS

### **Present:**

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

Daren Allen: *Dentons*

Davina Given: *Reynolds Porter Chamberlain LLP*

Jeremy Summers: *Osborne Clarke*

Jonathan Pickworth: *White & Case*

Louise Hodges: *Kingsley Napley*

Michelle de Kluyver: *Addleshaw Goddard*

Rodney Warren: *Warren's Law & Advocacy*

Sacha Harber-Kelly: *Gibson Dunn*

Sam Eastwood: *Mayer Brown*

Sarah Wallace: *Constantine Law*

Sara Teasdale: *Byrne and Partners LLP*

Judith Seddon: *Ropes & Gray LLP* (by telephone)

Eve Giles: *Allen & Overy LLP* (by telephone)

Susannah Cogman: *Herbert Smith Freehills* (by telephone)

Roger Best: *Clifford Chance* (by telephone)

Jonathan Cotton: *Slaughter & May* (by telephone)

### **In attendance:**

Emma Shafton: *Reed Smith LLP*

Kevin Hart: *CLLS*

### **Apologies:**

#### **1. Apologies for absence**

The Chair mentioned apologies received for non-attendance from several members. The Chair noted with gratitude that some members not in attendance had nevertheless contributed to the Committee's response to the SFO's proposed amendments to S.2 interviews guidance.

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

The Minutes of the last meeting (4 June 2019) were approved subject to the correction of one typographical error in section 4. The Chair directed that the Minutes be filed on the CLLS website 24 hours after the meeting, subject to Committee members sending any final comments on the draft.

## **3. SFO Consultation and S.2 Interviews & CLLS Response**

The Chair reported to the Committee on meetings with the SFO as part of informal discussions on the conduct of S.2 Interviews. There would be a further meeting with the SFO that afternoon.

The Committee were updated as to the view of the Fraud Lawyers Association (FLA). The Committee discussed the draft paper circulated in the previous week in detail. Certain amendments were made to the draft. The Committee covered such topics as the effect of current practices on witnesses and the information which might be provided to the SFO as regards representation.

The Chair observed that neither he nor the Committee were the spokespersons, delegates or agents for any person or firm. The CLLS is a consultative discussion forum, which tries to assist policymakers from time to time.

The Chair indicated that he did not intend to provide the draft paper to the SFO until the next steps were clearer.

## **4. Privilege-Waivers and SFO approach to cooperation**

The Chair mentioned the forthcoming SFO guidance on corporate cooperation and in particular the issue of privilege waivers in the context of deferred prosecution agreements (DPA).

The Committee discussed the extent to which a waiver was now expected in order to demonstrate cooperation and the likely extent of the waivers.

The Chair mentioned his contact with the Law Society on this issue. If there is to be further consultation on this topic then CLLS should keep in touch and consider coordinating responses with the Law Society.

## **5. Practice/Legal updates**

The Committee briefly discussed recent cases including the Serco Geographix DPA, the Euribor acquittal and outstanding European Arrest Warrants, the SFO decision to close the Unaoil investigation.

## **6. Upcoming consultations/legislation**

The Committee was informed that there might not be a full consultation regarding the transposition of the Fifth Money Laundering Directive (there may be a soft one only). HMRC to have a consultation over summer re Trust registration.

## **7. External Guest Speakers**

Two potential external guest speakers were discussed:

- Chris Basiurski on the Government's anti-corruption strategy; and
- Debbie Price (formerly of CPS now at NECC) re SARS regime.

## **8. Membership Applications**

The Chair raised Committee membership. Membership is reviewed and opened once a year via the approved CLLS procedure (advertised on website and CVs submitted). Process takes place towards the end of calendar year and into the New Year. Committee members can make recommendations.

## **9. CLLS Lifetime Achievement Award**

The Committee were informed of the criteria for nominees. All suggested nominees to be passed on to CLLS via the Chair. Closing date **Friday 13 Sep 2019.**

## **10. AOB**

None.

**16 July 2019**