

City of London Law Society – Corporate Crime and Corruption Committee

Minutes of a meeting of the 4 June 2019 at Reed Smith, The Broadgate Tower, 20 Primrose Street, London, EC2A 2RS

Present:

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

Daren Allen: *Dentons*

Eve Giles: *Allen & Overy*

Jeremy Summers: *Osborne Clarke*

Judith Seddon: *Ropes & Gray*

Louise Hodges: *Kingsley Napley*

Nick Benwell: *Simmons & Simmons*

Sacha Haber-Kelly: *Gibson Dunn & Crutcher UK LLP*

Tony Woodcock: *Stephenson Harwood*

Roger Best: *Clifford Chance* (by telephone)

Simon Joyston-Bechal: *Turnstone Law* (by telephone)

Matthew Getz: *Bois Schiller Flexner LLP* (by telephone)

In attendance:

Catherine Lewis: *Reed Smith*

Kevin Hart: *CLLS*

David Hobart: *CLLS*

Apologies:

1. Apologies for absence

The Chair mentioned apologies received for non-attendance.

2. Minutes of last meeting

The Minutes of the last meeting (23 April 2019) were approved. 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. Home Office Joint Anti-Corruption Unit, Focus on Business

The Chair informed the Committee that he had been contacted by Freshfields Bruckhaus Deringer LLP who is liaising with the Home Office Joint Anti-Corruption Unit. The Chair suggested that the Anti-Corruption Unit be invited to meet the whole Committee.

AML/future of SARS. Paul Phillips office, SRA might know [David to call]

4. Pre-Interview Disclosure & Interview Practices

The Chair referred to the approach made to the SFO on behalf of the Committee regarding note-taking and undertaking. The Chair noted that the issue regarding taking notes at interviews had been addressed. As to undertakings, the Chair noted that the SFO was amenable to consultation on the matter. In advance of the meeting, the Chair circulated copy of letter sent to SFO to the Committee. As at the date of the meeting, there had not been a response from the SFO. The Chair noted that the Law Society not heard back either.

Having written to the SFO recently, Chair did not propose that the Committee write further. The matter can be reviewed around the time of the next meeting.

The Committee discussed the response for the SFO regarding pre-interview disclosure. The Committee agreed that it was in interest of sensible interview to have documents. Some members of the Committee had experience of the SFO referring to a policy whereby disclosure was not provided in advance of a Section 2 interview. It was noted that there was no known policy and this approach by the SFO was inconsistent.

The Chair agreed that the Committee should monitor this and members to advise the Chair on developments so it can be considered whether a formal approach is needed.

It was also noted that it was sometimes difficult to obtain transcripts following a Section 2 interview.

5. Practice / Legal updates

There was a discussion about the upcoming release of the new SFO guidance. The Chair sought comments from Committee as to their views on what the guidance may contain.

It was discussed that the judgment of the appeal in KBR Inc v SFO was expected at the end of the year.

6. Privilege-Waivers and SFO approach to cooperation

See item (4) above.

7. Upcoming consultations / legislation

The Global Investigation Review conference is to take place on 12 June 2019. It was noted that Lisa Osofsky of the SFO would be speaking at this event.

It was noted that the Law Commission paper on the SARs regime was due last week, but it had been delayed.

Guidance Home Office – considering whether needed.

Legalisation of cannabis in Canada. Exception part 5 POCA. Whether works. Reluctant to issue licences.

8. External Guest Speakers

It was discussed that the following potential external speakers could be approached by the Committee:

- Sara Lawson, General Counsel for the SFO
- Criminal Bar Association
- Mark Stewart/ David Kirk of the FCA
- Debbie Price, CPS
- [Michelle Crozier?] move to NCA
- Jennifer Haslett at HM Treasury

There was a discussion about whether to hold a seminar/symposium for wider attendance following the publication of the new SGO guidance.

Law Officers – to come in. David [?] trainee at Richards Butler. [Eoin – I am not sure what was meant by this]

9. AOB

The CLLS AGM will be held on 17 June 2019. Details can be found on the CLLS website and champagne reception all from 6pm.