

City of London Law Society – Corporate Crime and Corruption Committee

Minutes of a meeting of the 10 September 2019 at Reed Smith, The Broadgate Tower, 20
Primrose Street, London, EC2A 2RS
09:00-09:40

Present:

Eoin O’Shea (Chair): *Reed Smith LLP*
Sacha Harber-Kelly: *Gibson Dunn*
Sarah Wallace: *Constantine Law*
Eve Giles: *Allen & Overy LLP*
Susannah Cogman: *Herbert Smith Freehills*
Barry Vitou: *Greenberg Traurig LLP*
Jonathan Cotton: *Slaughter & May*
Tony Woodcock: *Stephenson Harwood*
Omar Qureshi: *CMS Cameron McKenna Nabarro*
Matthew Getz: *Boies Schiller Flexner LLP (by telephone)*
Louise Hodges: *Kingsley Napley (by telephone)*
Michelle de Kluyver: *Addleshaw Goddard (by telephone)*
Judith Seddon: *Ropes & Gray LLP (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.

2. Minutes of last meeting

No amendments proposed to the minutes of the last meeting (16 July 2019) by those in attendance. The Chair directed that the approved Minutes be filed on the CLLS website 24

hours after the meeting, subject to Committee members sending any final comments on the draft.

3. S2 Interview Practices and SFO discussions

The Chair provided an update re progress. The last meeting with the SFO had not been as productive as hoped.

The Fraud Lawyers Association (FLA) maintained their position that it should not be a requirement of firms to identify clients and that solicitors should be left to abide by professional duties. This seems to have created an impasse.

The Chair was concerned that the SFO may have now put the matter on the backburner. The Chair thanked the committee for all the work done and contributions and stated that the committee should maintain the position that it is better to seek a way to improve the current guidance which everyone feels is sub-optimal.

There was a discussion of whether we are still subject to the old regime. The consensus was that this is the default position and the SFO continue to ask for undertakings. A committee member queried whether there is there a risk of the SFO's position becoming more entrenched if the CLLS keep pushing. The Chair remarked he still believed the SFO were keen on finding a middle ground and while the committee should not give up, it was important to manage expectations. The Chair will press on and aim to speak to the SFO.

4. SFO Guidance on Corporate Cooperation

The new guidance was discussed. The general consensus was that the release of the guidelines was useful but not revolutionary. A comparison was made to the DOJ guidance which does advance a greater degree of certainty.

5. Practice/Legal updates

The Committee discussed the status of victims, in particular how badly they seem to fare when the authorities fail to get a grip on various scams etc. It was agreed by all that it was in everyone's interest and in the interest of the wider rule of law that authorities handle investigations appropriately. It was observed that groups of victims sometimes seek legal representation.

6. Upcoming consultations/legislation

Nothing was discussed.

7. Membership

Membership is reviewed and opened once a year via the approved CLLS procedure (advertised on website and CVs submitted). The Chair requested that an advertisement be published in the usual media during October 2019 and stated that the application window commences from that point until the end of the year. The committee will consider any applications at future meetings. Committee members can make recommendations. The Chair noted that candidates must be suitably experienced and well-known to have a strong practice in corporate crime and corruption.

8. External Guest Speakers

Two potential external guest speakers were discussed:

- Chris Basiurski on the Government's anti-corruption strategy – Chair to chase.
- Debbie Price (formerly of CPS now at NECC) re SARS regime – Committee not heard back from her yet.

9. CLLS Lifetime Achievement Award

The Committee were informed of the criteria for nominees. All suggested nominees to be passed on to CLLS Chair or Kevin Hart directly. Criteria to be circulated via email after the meeting. Closing date **Friday 13 Sep 2019.**

10. AOB

None.

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