

City of London Law Society – Corporate Crime and Corruption Committee

Minutes of a meeting of the 28 January 2020 at Reed Smith, The Broadgate Tower, 20
Primrose Street, London, EC2A 2RS
8:30 – 10:00

Present:

Eoin O’Shea (Chair): *Reed Smith*

Sacha Harber-Kelly: *Gibson Dunn & Crutcher*

Eve Giles: *Allen & Overy*

Sara Teasdale: *Byrne and Partners*

Michelle de Kluyver: *Addleshaw Goddard*

Alistair Graham: *Mayer Brown*

David Corker: *Corker Binning*

Judith Seddon: *Ropes & Gray*

Nick Benwell: *Simmons & Simmons*

Tony Woodcock: *Stephenson Harwood*

Simon Joyston-Bechal: *Turnstone Law*

Roger Best: *Clifford Chance (on the telephone)*

Davina Given: *RPC (on the telephone)*

In attendance:

Debbie Price: *National Economic Crime Centre (NECC)*

David Hobart: *CLLS*

Emma Shafton: *Reed Smith LLP*

Apologies:

1. Guest speaker

The committee heard from Debbie Price, Deputy Director of the National Economic Crime Centre (“NECC”) about the work NECC are currently doing, including the planned reform to the SARS regime.

2. Apologies for absence

The Chair mentioned apologies received for non-attendance from several members.

3. Minutes of last meeting

No amendments proposed to the minutes of the last meeting (10 December 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.

4. Committee Membership

Applications to join the committee were received from Tom Epps (Cooley), Hannah Lamming (Peters & Peters), Elly Proudlock (Linklaters) and Andrew Katzen (Hickman and Rose). The committee considered and approved all applications.

5. Pre-Interview Disclosure & Interview Practices

The Chair provided an update. A productive meeting with the Fraud Lawyers Association took place at the end of December 2019. It was agreed that the CLLS and the FLA should work together on this issue so far as possible. It is not clear whether reform remains a priority for the SFO and it was agreed that this issue should be raised with individuals at the SFO.

One idea which was canvassed at the meeting was updating the existing Law Society practice note on this subject so as to emphasise the need to prioritise client interests (for example by not revealing the names of other clients to the SFO without consent).

Committee members agreed that any position taken by bodies such as ours (CLLS, FLA, etc.) should not be seen to undermine any possible legal challenges by individual interviewees.

The Chair remains of the view that improvements to the guidance should be encouraged, and that it is possible to do this without sacrificing any individual right to object to particular decisions or to the policy as a whole.

6. Practice/Legal Updates

The new SFO guidance on corporate compliance programmes was discussed.

7. Upcoming consultations/legislations

Nothing of note.

8. External Guest Speakers

The committee would like to invite Lisa Osofsky of the SFO to speak again. The committee discussed inviting a speaker from HMRC to discuss failure to prevent tax evasion offences

under the Criminal Finances Act 2017. Nick Green at the Law Commission was suggested as a speaker as was a representative from the Office of Financial Sanctions (“OFSI”) or the Information Commissioner’s Office (“ICO”).

Committee members are welcome to suggest other speakers.

9. AOB

None

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